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MT LEGISLATIVE HISTORY

Chapter 443 1987

Bill H _____ (S) 212 Original bill & hist. ✓ C

H. Committee on Hwys & Transp.			S. Committee on Hwys & Transp.		
Hearing Date(s)	MAR 5	✓ C	Hearing Date(s)	FEB 5	✓ C
	MAR 26	✓ C		FEB 14	✓ C
	_____	___ C		_____	___ C
	_____	___ C		_____	___ C
Date Out	MAR 26	✓ C		FEB 14	✓ C

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____ Report _____

SENATE BILL NO. 212

INTRODUCED BY FARRELL, CAMPBELL, SWYSGOOD, O'CONNELL, HALLIGAN, FRITZ, GILBERT, GRADY, THOMAS, GLASER, HARP, TVEIT, GAGE, WEEDING, B. WILLIAMS

IN THE SENATE

JANUARY 24, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
FEBRUARY 17, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
	STATEMENT OF INTENT ADOPTED.
FEBRUARY 18, 1987	PRINTING REPORT.
FEBRUARY 19, 1987	SECOND READING, DO PASS.
FEBRUARY 20, 1987	ENGROSSING REPORT.
FEBRUARY 21, 1987	THIRD READING, PASSED. AYES, 48; NOES, 1.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
MARCH 27, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
	STATEMENT OF INTENT ADOPTED.
MARCH 28, 1987	SECOND READING, CONCURRED IN.
MARCH 30, 1987	THIRD READING, CONCURRED IN. AYES, 95; NOES, 2.
	RETURNED TO SENATE WITH AMENDMENTS AND STATEMENT OF INTENT.

IN THE SENATE

APRIL 2, 1987	RECEIVED FROM HOUSE.
	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 3, 1987	THIRD READING, AMENDMENTS CONCURRED IN.
	SENT TO ENROLLING.

Senate BILL NO. 212

INTRODUCED BY Farrell Campbell Swysgood O'Connell Gilbert Grady Thomas McCann HARP Halligan Tveit Stapp Weeding Tunby Hull

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A CLASSIFIED COMMERCIAL VEHICLE OPERATOR'S LICENSING PROGRAM; REVISING THE MOTOR VEHICLE LAWS TO REMOVE REFERENCES TO CHAUFFEURS; AMENDING SECTIONS 20-10-103, 61-5-102, 61-5-104 THROUGH 61-5-108, 61-5-110 THROUGH 61-5-116, 61-5-121, 61-5-201, 61-5-203 THROUGH 61-5-212, 61-5-301, 61-5-302, 61-5-305, 61-5-306, 61-7-105, 61-7-107, 61-11-101, AND 72-17-204, MCA; REPEALING SECTION 61-1-312, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Commercial motor vehicle defined -- exceptions. (1) "Commercial motor vehicle" means a motor vehicle used to transport passengers or property if the vehicle:

(a) has a gross vehicle weight of 26,001 pounds or more;

(b) is designed to transport more than 15 passengers, including the driver; or

(c) is used to transport hazardous material.

(2) Vehicles operated within the state of Montana which are registered as paying the 16% gross weight fee are not commercial motor vehicles under this act.

NEW SECTION. Section 2. Commercial vehicle operator's endorsement. "Commercial vehicle operator's endorsement" means an endorsement to a Montana driver's license that authorizes the licensee to operate a class of commercial motor vehicle.

NEW SECTION. Section 3. Driver's license. "Driver's license" means any license or permit to operate a motor vehicle issued under, or granted by, the laws of this state including:

(1) any temporary license or instruction permit;

(2) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license;

(3) any nonresident's driving privilege;

(4) a motorcycle endorsement; and

(5) a commercial vehicle operator's endorsement.

NEW SECTION. Section 4. Hazardous material. "Hazardous material" means a substance or material in a quantity and form that may pose an unreasonable risk to health and safety or property when transported.

Section 5. Section 61-5-102, MCA, is amended to read:

"61-5-102. ~~Operators--and--chauffeurs~~ Drivers to be licensed. (1) No person, except those ~~hereinafter~~ expressly exempted under 61-5-104, shall drive any motor vehicle upon a highway in this state unless such person has a valid

INTRODUCED BIL
SB 212

Montana driver's license ~~as an operator or chauffeur under the provisions of this chapter~~. No person shall receive ~~an operator's or chauffeur's~~ a Montana driver's license unless and until he surrenders to the department all valid ~~operators' and chauffeurs'~~ driver's licenses in his possession issued to him by any other jurisdiction. All surrendered licenses shall be returned by the department to the issuing department together with information that the licensee is now licensed in this state. No person shall be permitted to have more than one valid ~~operator's or chauffeur's~~ driver's license at any time.

~~(2) No person shall drive a motor vehicle as a chauffeur unless he holds a valid chauffeur's license. No person shall receive a chauffeur's license unless and until he surrenders to the department any operator's license issued to him or an affidavit that he does not possess an operator's license. Any person holding a valid chauffeur's license hereunder need not procure an operator's license.~~

~~(3)~~(2) Whenever a city or town requires ~~an operator or chauffeur~~ a licensed driver to obtain a local driving license or permit, such a license or permit shall not be issued unless the applicant ~~therefor~~ presents a state driver's license valid under the provisions of this chapter.

~~(4)~~(3) A person operating a bicycle defined in 61-1-123(2) shall have in his possession at all times when

operating the bicycle a valid Montana driver's license."

Section 6. Section 61-5-104, MCA, is amended to read:

"61-5-104. Exemptions. (1) The following persons are exempt from license hereunder:

(a) any person who is a member of the armed forces of the United States while operating a motor vehicle owned by or leased to the United States government and being operated on official business;

(b) any person who is a member of the armed forces of the United States on active duty in Montana who holds a valid license issued by another state and the spouse of such a person who holds a valid license issued by another state and who is not employed in Montana except as a member of the armed forces; if a spouse of a member of the armed forces becomes gainfully employed in Montana, such spouse must be licensed as required by 61-5-102 within 90 days of becoming so employed;

(c) any person on active duty in the armed forces of the United States who has in his immediate possession a valid license issued in a foreign country by the armed forces of the United States, for a period of 45 days from the date of his return to the United States;

(d) any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway.

(2) A nonresident who is at least 15 years of age and who has in his immediate possession a valid operator's license issued to him in his home state or country may operate a motor vehicle in this state only as an operator.

(3) A nonresident who is at least 18 years of age and who has in his immediate possession a valid ~~chauffeur's~~ commercial operator's license issued to him in his home state or country may operate a motor vehicle or commercial motor vehicle in this state ~~either as an operator or chauffeur~~ subject to the age limits applicable to ~~chauffeurs~~ commercial vehicle operators in this state.

(4) Any nonresident who is at least 18 years of age, whose home state or country does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than 90 days in any calendar year, if the motor vehicle so operated is duly registered in the home state or country of such nonresident.

(5) A driver's license issued hereunder to any person who enters the United States armed forces, if valid and in force and effect at the time such person enters the service, shall continue in full force and effect so long as such service shall continue unless such license is sooner suspended, revoked, or canceled for a cause as provided by law, and for not to exceed 30 days following the date on which holder of such driver's license is honorably separated

from such service. During said 30-day period, such license shall be valid only when in the immediate possession of the licensee while driving and the licensee has his discharge, separation, leave, or furlough papers in his immediate possession."

Section 7. Section 61-5-105, MCA, is amended to read:

"61-5-105. Who may not be licensed. The department shall not issue any license hereunder to any person:

(1) as an operator, who is under the age of 16 years, with these exceptions:

(a) The department may issue ~~an operator's~~ a driver's license to a person who is 15 years of age if he has passed a driver's education course approved by the department and the superintendent of public instruction.

(b) The department may issue a restricted license ~~as hereinafter provided~~ to any person who is at least 13 years of age;

~~(2) as a chauffeur, employed by another for the principal purpose of driving a motor vehicle when in use exclusively for the transportation of property for compensation, who is under the age of 18 years, or to any person, as a chauffeur, who is employed by another for the principal purpose of driving a motor vehicle transporting passengers for hire or transporting school children, who is under the age of 18 years;~~

~~(3)~~(2) ~~as an operator or chauffeur,~~ whose license has been suspended during the suspension, or to any person whose license has been revoked, except as provided in 61-5-208;

~~(4)~~(3) ~~as an operator or chauffeur,~~ who is an habitual drunkard, or is addicted to the use of narcotic drugs;

~~(5)~~(4) ~~as an operator or chauffeur,~~ who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

~~(6)~~(5) ~~as an operator or chauffeur,~~ who is required by this chapter to take an examination, unless the person shall have successfully passed such examination;

~~(7)~~(6) who is required under the provisions of the motor vehicle financial responsibility laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

~~(8)~~(7) ~~as an operator or chauffeur,~~ who is suffering from any form of epileptic type seizures or similar disorders characterized by lapse of consciousness or control, either temporary or prolonged, which is or may become chronic; provided that the department may in its discretion issue a license to a person suffering from epileptic type seizures or similar disorder characterized by lapse of consciousness or control, if otherwise qualified to

be licensed to drive a motor vehicle, when the afflicted person can show through a written report from his attending physician that he has not experienced an epileptic type seizure or similar disorder characterized by lapse of consciousness or control for a sufficient period and that the condition is stabilized as attested to by said physician."

Section 8. Section 61-5-106, MCA, is amended to read:

"61-5-106. Instruction and traffic education permits and temporary licenses. (1) Any person satisfying the age requirements specified in 61-5-105(1) may apply to the department for an instruction permit. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the public highways for a period of 6 months when accompanied by a licensed ~~operator or chauffeur~~ driver who is occupying a seat beside the driver. In addition, the department may issue such an instruction permit to any person who is at least 14 1/2 years of age and who has successfully completed or is successfully participating in a traffic education course approved by the department and the superintendent of public instruction. Any instruction permit so issued shall

be restricted to the operation of a motor vehicle only when accompanied by an approved instructor or licensed parent or guardian and may be further restricted to specific times and/or areas.

(2) The department upon receiving proper application may in its discretion issue a traffic education permit effective for a school year or more restricted period to an applicant who is enrolled in a traffic education program approved by the department even though the applicant has not reached the legal age to be eligible for ~~an operator's~~ a driver's license. Such permit shall entitle the permittee when he has such a permit in his immediate possession to operate only on a designated highway or within a designated area a motor vehicle only when an approved instructor is occupying a seat beside the permittee or a motorcycle or quadricycle only when under the immediate and proximate supervision of an approved instructor.

(3) The department may in its discretion issue a temporary driver's permit to an applicant for ~~an operator's~~ a driver's license permitting him to operate a motor vehicle while the department is completing its investigation and determination of all facts relative to such applicant's right to receive ~~an operator's~~ a driver's license. Such permit must be in his immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's

license has been issued or for good cause has been refused.

(4) The department may in its discretion issue a temporary commercial vehicle operator's endorsement to an applicant for such an endorsement permitting him to operate a commercial motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a commercial vehicle operator's endorsement. Such endorsement must be in his immediate possession while operating a commercial motor vehicle and is invalid when the applicant's endorsement has been issued or for good cause has been refused."

Section 9. Section 61-5-107, MCA, is amended to read:

"61-5-107. Application for license, instruction permit, commercial vehicle operator's endorsement, or motorcycle endorsement. (1) Every application for an instruction permit, ~~operator's or chauffeur's~~ driver's license, commercial vehicle operator's endorsement, or motorcycle endorsement shall be made upon a form furnished by the department. A motorcycle endorsement is required for the operation of a quadricycle. Every application shall be accompanied by the proper fee, and payment of such fee shall entitle the applicant to not more than three attempts to pass the examination within a period of 6 months from the date of application.

(2) Every such application shall state the full name,

date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has ~~theretofore~~ previously been licensed as ~~an operator--or--chauffeur;~~ a driver or commercial vehicle operator, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal.

(3) Whenever application is received from an applicant previously licensed by any other jurisdiction, the department shall request a copy of such applicant's driving record from such previous licensing jurisdiction. When received, such driving records shall become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance."

Section 10. Section 61-5-108, MCA, is amended to read:

"61-5-108. Application of minors. (1) The application of any person under the age of 18 years for an instruction permit or ~~operator's~~ driver's license shall be signed and verified before a person authorized to administer oaths by both the father and mother of the applicant, if both are living and have custody of him, or by the surviving parent, or in the event neither parent is living or has custody,

then by the person or guardian having such custody or by an employer of such minor, or in the event there is no guardian or employer then by some other responsible person who is willing to assume the obligation imposed under this chapter upon a person signing the application of a minor.

(2) Any negligence or willful misconduct of a minor under the age of 18 years when driving a motor vehicle upon a highway shall be imputed to a person who has signed the application of such minor for a permit or license, which person shall be jointly and severally liable with such minor for any damages caused by such negligence or willful misconduct, except as otherwise provided in subsection (3) of this section.

(3) In the event a minor deposits or there is deposited upon his behalf proof of financial responsibility in respect to the operation of a motor vehicle owned by him, or if not the owner of a motor vehicle, then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, then the department may accept the application of such minor when signed by one parent or the guardian of such minor, and while such proof is maintained such parent or guardian shall not be subject to the liability imposed under subsection (2) of this section."

Section 11. Section 61-5-110, MCA, is amended to read:

"61-5-110. Examination of applicants. The department shall examine every applicant for ~~an---operator's---or chauffeur's~~ a driver's license, commercial vehicle operator's endorsement, or motorcycle endorsement, except as otherwise provided in this section. Such examination shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, his knowledge of the traffic laws of this state, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle, quadricycle, or motorcycle. ~~The department--shall--make--provision-for-giving-an-examination either-in-the-county-where-the-applicant--resides--or--at--a place---adjacent---thereto---reasonably--convenient--to--the applicant-within-not-more-than-30-days--from--the--date--the application--is-received.~~ The examination for the commercial vehicle operator's endorsement may include additional items."

Section 12. Section 61-5-111, MCA, is amended to read:

"61-5-111. ~~Licenses-issued-to-operators-and-chauffeurs ----renewals--and-expiration----fees.~~ Renewals, expirations, and fees for licenses, permits, and endorsements. (1) The department shall have authority to appoint county treasurers and other qualified officers to act as its agents for the sale of driver's licenses receipts and shall make necessary

rules governing such sales. In those areas where the department provides driver licensing services 3 days or more a week the department is responsible for sale of receipts and may not appoint an agent. The department, upon receipt of payment of the fees specified in this section, shall issue to every applicant qualifying therefor ~~an-operator's or-chauffeur's~~ a driver's license as applied for. ~~Such licenses~~ The license shall contain a full-face photograph of the licensee in the size and form as prescribed by the department, except as provided in subsection (4); a distinguishing number issued to the licensee; the full name, date of birth, residence address, and a brief description of the licensee; and either a facsimile of the signature of the licensee or a space upon which he shall write his signature in pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

(2) The department shall, when any person applies for renewal of ~~an-operator's-or-chauffeur's~~ a driver's license, test the applicant's eyesight and may also in the department's discretion have the applicant demonstrate his physical ability to operate and to exercise ordinary and reasonable care in the operation of a motor vehicle. A person shall be considered to have applied for renewal of a Montana ~~operator's--or--chauffeur's~~ driver's license if the

application is made within 3 months of the expiration of his license.

(3) Licenses shall expire on the anniversary of the date of birth of the licensee 4 years or less after the date of issue.

(4) A license issued to a person under the age of 19 years must contain a photograph of the licensee's profile.

(5) Whenever the department issues an original license to a person under the age of 18 years, the license shall be designated and clearly marked as a "provisional license". Any license so designated and marked may be suspended by the department for a period of not more than 12 months, when its records disclose that the licensee, subsequent to the issuance of such license, has been guilty of careless or negligent driving. Upon renewal ~~as applicable to operator's licenses,~~ the department may, for any reasonable cause as shown by its records, designate the renewal of the license as provisional; otherwise, a license in usual form shall be issued subject to other provisions of the laws of Montana.

(6) It shall be unlawful for any person to have in his possession or under his control more than one Montana ~~operator's or chauffeur's~~ driver's license at any one time. A license is not valid for the operation of a motorcycle or quadricycle until the holder thereof has completed the requirements of 61-5-110 and the license has been clearly

marked with the words "motorcycle endorsement". A license is not valid for the operation of a commercial vehicle until the holder thereof has completed the requirements of 61-5-110 and the license has been clearly marked with the words "commercial vehicle operator's endorsement".

(7) Fees for driver's licenses shall be as follows:

(a) driver's license -- $3 per year or fraction thereof;

(b) motorcycle endorsement -- 50 cents per year or fraction thereof~~.~~;

(c) commercial vehicle operator's endorsement:

(i) Class I -- $3 per year or fraction thereof;

(ii) Class II -- $1.50 per year or fraction thereof.

(8) A license designated as chauffeur as of January 1, 1988, is valid as commercial vehicle operator's endorsements until the expiration of the license.

(9) On or after January 1, 1988, if the holder of a chauffeur's license wishes to convert his chauffeur's license to a commercial vehicle operator's endorsement, he may do so by paying the appropriate fee covering the remainder of the life of his license and complying with the requirements established by the department.

(10) After January 1, 1988, the holder of a valid chauffeur's license who is renewing and wishes to obtain a commercial vehicle operator's endorsement may do so upon

paying the appropriate fees and complying with the requirements established by the department."

Section 13. Section 61-5-112, MCA, is amended to read:

"61-5-112. Classification of ~~chauffeurs~~ commercial vehicle operator's endorsements -- special restrictions. ~~(1)~~ The department upon issuing a ~~chauffeur's~~ license with a commercial vehicle operator's endorsement shall indicate thereon the class of license so issued and shall appropriately examine each applicant according to the class of ~~license~~ endorsement applied for and may impose such rules for the ~~exercise~~ classification, examination, and use thereof as it considers necessary for the safety and welfare of the traveling public.

~~(2)--No--person--may--drive-any-school-bus-transporting school-children-or-any-motor-vehicle-when--in--use--for--the transportation-of-persons-for-compensation-until-he-has-been licensed--as--a--chauffeur--for--either-such-purpose-and-the license--so--indicates.---The--department--may--not--issue--a chauffeur's--license-for-either-purpose-unless-the-applicant has-had-at-least-1-year-of-driving-experience-prior--thereto and--the-department-is-fully-satisfied-as-to-the-applicant's competency-and-fitness-to-be-employed.~~"

Section 14. Section 61-5-113, MCA, is amended to read:

"61-5-113. Restricted licenses. (1) The department upon issuing ~~an-operator's-or-chauffeur's~~ a driver's license

shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(2) The department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

(3) The department may upon receiving satisfactory evidence of any violation of the restrictions of such license or endorsement suspend or revoke the same but the licensee shall be entitled to a hearing as upon suspension or revocation under this chapter.

(4) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him."

Section 15. Section 61-5-114, MCA, is amended to read:

"61-5-114. Duplicate licenses. In the event that an instruction permit or ~~operator's--or--chauffeur's~~ driver's license issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may upon the payment of a fee of $5 obtain a duplicate or substitute thereof, upon furnishing proof satisfactory to

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the department that such permit or license has been lost or destroyed."

Section 16. Section 61-5-115, MCA, is amended to read:

"61-5-115. Notice of change of address or name. Whenever any person after applying for or receiving ~~an operator's or chauffeur's~~ a driver's license shall move from the address named in such application or in the license issued to him or when the name of a licensee is changed by marriage or otherwise such person shall within 10 days thereafter notify the department in writing of his old and new addresses or of such former and new names and of the number of any license then held by him."

Section 17. Section 61-5-116, MCA, is amended to read:

"61-5-116. License to be carried and exhibited on demand. Every licensee shall have his ~~operator's or chauffeur's~~ driver's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand of a justice of the peace, a city or municipal judge, a peace officer, a highway patrolman, or a field deputy or inspector of the department. However, no person charged with violating this section shall be convicted if he produces in court or the office of the arresting officer ~~an operator's or chauffeur's~~ a driver's license theretofore issued to him and valid at the time of his arrest."

Section 18. Section 61-5-121, MCA, is amended to read:

"61-5-121. Disposition of fees. (1) The disposition of the fees from driver's licenses provided for in ~~61-5-111(6)(a)~~ 61-5-111(7)(a), motorcycle endorsements provided for in ~~61-5-111(6)(b)~~ 61-5-111(7)(b), commercial vehicle operator's endorsements provided for in 61-5-111(7)(c), and duplicate driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of 33 1/3% of each driver's license fee and of each duplicate driver's license fee must be deposited into the Montana highway patrolmen's retirement pension trust fund.

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 3 1/3% of each driver's license fee and of each duplicate driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited into the state special revenue fund for use by the department to defray the costs of issuing licenses or duplicate licenses.

(c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 5% of each motorcycle endorsement must be deposited into the county

general fund.

(ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must be deposited into the state special revenue fund for use by the department to defray the costs of issuing motorcycle endorsements.

(d) The amount of 23 1/3% of each driver's license fee and of each duplicate driver's license fee and the amount of 35% of each motorcycle endorsement fee must be deposited into the state traffic education account.

(e) The amount of 40% of each driver's license fee and of each duplicate driver's license fee and the amount of 60% of each motorcycle endorsement fee must be deposited into the state general fund.

(f) The entire amount of each commercial vehicle operator's endorsement fee must be deposited into the motor vehicle recording account established in 61-3-108.

(2) (a) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, he shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county general fund. He shall then remit to the state treasurer all remaining fees, together with a statement indicating what portion of each fee is to be

deposited into the Montana highway patrolmen's retirement pension trust fund, the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(d), and (1)(e), and (1)(f).

(b) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall remit all fees to the state treasurer, together with a statement indicating what portion of each fee is to be deposited into the Montana highway patrolmen's retirement pension trust fund, the state special revenue fund, the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), (1)(d), and (1)(e), and (1)(f)."

Section 19. Section 61-5-201, MCA, is amended to read:

"61-5-201. Authority of department to cancel ~~licenses~~ license and endorsement. (1) The department is hereby authorized to cancel ~~any--operator's--or--chauffeur's~~ a driver's license and commercial vehicle operator's endorsement, or just the commercial vehicle operator's endorsement, upon determining that the licensee was not entitled to the issuance ~~thereof-hereunder~~ or that since the issuance ~~thereof~~ said licensee has become ineligible (such

ineligibility shall be determined pursuant to the provisions of 61-5-105) or that said licensee failed to give the required or correct information in his application or committed any fraud in making such application.

(2) Upon such cancellation, the licensee must surrender the license so canceled to the department."

Section 20. Section 61-5-203, MCA, is amended to read:

"61-5-203. Suspending privileges of nonresidents. The privilege of driving a motor vehicle on the highways of this state given to a nonresident ~~hereunder~~ shall be subject to suspension or revocation by the department in like manner and for like causes as ~~an--operator's--or--chauffeur's~~ a driver's license and commercial vehicle operator's endorsement, or just an endorsement issued hereunder may be suspended or revoked."

Section 21. Section 61-5-204, MCA, is amended to read:

"61-5-204. Suspending resident's license upon conviction in another state. The department is authorized to suspend or revoke the driver's license and commercial vehicle operator's endorsement, or just the commercial vehicle operator's endorsement of any resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be grounds for the suspension

or revocation of the driver's license ~~of-an-operator-or-chauffeur~~ or commercial vehicle operator's endorsement."

Section 22. Section 61-5-205, MCA, is amended to read:

"61-5-205. Mandatory revocation of license upon proper authority. The department upon proper authority shall revoke the driver's license, including the commercial vehicle operator's endorsement, or the operating privilege of any ~~operator-or-chauffeur~~ driver upon receiving a record of ~~such operator's--or--chauffeur's~~ the driver's conviction or forfeiture of bail not vacated of any of the following offenses, when such conviction or forfeiture has become final:

(1) negligent homicide resulting from the operation of a motor vehicle;

(2) driving a motor vehicle while under the influence of alcohol or narcotic drug, or willfully or knowingly under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, or a combination thereof except as provided in 61-5-208, or operation of a motor vehicle by a person with a blood alcohol concentration of 0.10 or more;

(3) any felony in the commission of which a motor vehicle is used;

(4) failure to stop and render aid as required under the laws of this state in the event of a motor vehicle

accident resulting in the death or personal injury of another;

(5) perjury or the making of a false affidavit or statement under oath to the department under this chapter or under any other law relating to the ownership or operation of motor vehicles;

(6) conviction or forfeiture of bail not vacated upon three charges of reckless driving committed within a period of 12 months."

Section 23. Section 61-5-206, MCA, is amended to read:

"61-5-206. Authority of department to suspend license or driving privilege or issue probationary license. (1) The department is hereby authorized to suspend the driver's license, including the commercial vehicle operator's endorsement, or driving privilege of ~~an---operator---or chauffeur~~ a driver without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

(a) has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage;

(b) has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(c) is an habitually reckless or negligent driver of a motor vehicle;

(d) is incompetent to drive a motor vehicle;

(e) has permitted an unlawful or fraudulent use of such license as specified in 61-5-302;

(f) has committed an offense in another state which if committed in this state would be grounds for suspension or revocation; or

(g) has falsified his date of birth on his application for a driver's license.

(2) However, the department may, in its discretion and in lieu of such suspension of license or driving privilege, issue a probationary license to ~~an-operator-or-chauffeur~~ a driver, without preliminary hearing, upon a showing by its records or other sufficient evidence that the licensee's driving record is such as would authorize suspension as provided in subsection (1) hereof. Upon issuance of a probationary license the licensee shall be subject to the restrictions set forth thereon. The licensee's driving privilege may be suspended upon conviction or forfeiture of bail not vacated of any traffic violation during the period of such probation. The licensee shall surrender to the department all driver licenses theretofore issued to him before such probationary license shall be issued. His refusal or neglect to surrender such licenses upon demand

shall be ground for suspending all such licenses. Probationary licenses may be issued for a period not to exceed 12 months.

(3) Upon suspending the license of any person or upon placing such person on probation, as hereinbefore in this section authorized, the department shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practical within not to exceed 20 days after receipt of such request in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the department through its duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the department shall either rescind its order of suspension or probation, or, good cause appearing therefor, may affirm, reduce, or extend the period of probation or suspension of such license."

Section 24. Section 61-5-207, MCA, is amended to read:

"61-5-207. Reexamination -- when required. The department having good cause to believe that a licensed ~~operator or chauffeur~~ driver is incompetent or otherwise not qualified to be licensed or to have a commercial vehicle

operator's endorsement, may upon written notice of at least 5 days to the licensee require him to submit to an examination. Upon the conclusion of such examination the department shall take action as may be appropriate and may suspend or revoke the license and commercial vehicle operator's endorsement, or just the commercial vehicle operator's endorsement of such person or permit him to retain such license, or may issue a license subject to restrictions as permitted under 61-5-113. Refusal or neglect of the licensee to submit to such examination shall be ground for suspension or revocation of his license."

Section 25. Section 61-5-208, MCA, is amended to read:

"61-5-208. Period of suspension or revocation. (1) The department may not suspend or revoke a driver's license, commercial vehicle operator's endorsement, or privilege to drive a motor vehicle on the public highways for a period of more than 1 year, except as permitted under 61-5-207, 61-5-212, 61-6-123, and 61-11-211.

(2) Any person whose license, commercial vehicle operator's endorsement, or privilege to drive a motor vehicle on the public highways has been suspended or revoked is not entitled to have such license, endorsement, or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of the period of such revocation or suspension,

the person may make application for a new license or endorsement as provided by law but the department may not then issue a new license or endorsement unless and until it is satisfied, after investigation of the driving ability of the person and upon a showing by its records or other sufficient evidence, that the person is eligible to be licensed to drive in this state. When any person is convicted or forfeits bail or collateral not vacated for the offense of operating or being in actual physical control of a motor vehicle while under the influence of alcohol or a narcotic drug or knowingly or willingly under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, or a combination thereof, or for the offense of operation of a motor vehicle by a person with alcohol concentration of 0.10 or more, the department shall, upon receiving a report of such conviction or forfeiture of bail or collateral not vacated, suspend the license, including any commercial vehicle operator's endorsement, or driving privilege of the person for a period of 6 months. Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the department shall revoke the license, including any commercial vehicle operator's endorsement, or driving privilege of the person for a period of 1 year.

(3) The period for all revocations made mandatory by 61-5-205 shall be 1 year except as provided in subsection (2) of this section.

(4) The period of revocation for any person convicted of any offense which makes mandatory the revocation of the ~~operator's or chauffeur's~~ driver's license commences from date of conviction or forfeiture of bail."

Section 26. Section 61-5-209, MCA, is amended to read:

"61-5-209. Surrender and return of license or endorsement. The department upon suspending or revoking a license or commercial vehicle operator's endorsement shall require that such license shall be surrendered to and be retained by the department except that at the end of the period of suspension such license so surrendered shall be returned to the licensee."

Section 27. Section 61-5-210, MCA, is amended to read:

"61-5-210. No operation under foreign license during suspension or revocation in this state. Any resident or nonresident whose ~~operator's or chauffeur's~~ license or right or privilege to operate a motor vehicle or commercial motor vehicle in this state has been suspended or revoked as provided in this chapter shall not operate a motor vehicle or commercial motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after

such revocation until a new license or commercial vehicle operator's endorsement is obtained when and as permitted under this chapter."

Section 28. Section 61-5-211, MCA, is amended to read:

"61-5-211. Right of appeal to court. Any person denied a driver's license, commercial motor vehicle operator's endorsement, or whose license had or endorsement has been canceled, suspended, or revoked by the department except where such cancellation or revocation is mandatory under the provisions of this chapter shall have the right to file a petition within 30 days thereafter for a hearing in the matter in the district court in the county wherein such person shall reside. Such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon 30 days' written notice to the department, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license or commercial vehicle operator's endorsement or is subject to suspension, cancellation, or revocation of the license or endorsement under the provisions of this chapter."

Section 29. Section 61-5-212, MCA, is amended to read:

"61-5-212. Driving while license suspended or revoked -- penalty. (1) Any person who drives a motor vehicle or commercial motor vehicle on any public highway of this state

at a time when his privilege so to do is suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than 2 days or more than 6 months and there may be imposed in addition thereto a fine of not more than $500.

(2) The department upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while the license or commercial vehicle operator's endorsement of such person was suspended or revoked shall extend the period of such suspension or revocation for an additional like period."

Section 30. Section 61-5-301, MCA, is amended to read:

"61-5-301. Indication on driver's license of intent to make anatomical gift. (1) The department of justice shall provide on each ~~operator's or chauffeur's~~ driver's license a space for indicating when the licensee has executed a document under 72-17-204 of intent to make a gift of all or part of his body under the Uniform Anatomical Gift Act.

(2) The department shall provide each applicant, at the time of application, printed information calling the applicant's attention to the provisions of this section, and each applicant must be given an opportunity to indicate in the space provided under subsection (1) his intent to make an anatomical gift.

(3) The department shall issue to every applicant who

indicates such an intent a statement which, when signed by the licensee in the manner prescribed in 72-17-204, constitutes a document of anatomical gift. This statement must be printed on a sticker that the donor may attach permanently to the back of his driver's license.

(4) The department shall also furnish the licensee a means of revoking the document of gift upon the license."

Section 31. Section 61-5-302, MCA, is amended to read:

"61-5-302. Unlawful use of license. It is a misdemeanor for any person to:

(1) display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious, or altered ~~operator's--or--chauffeur's~~ driver's license;

(2) lend his ~~operator's--or--chauffeur's~~ driver's license to any other person or knowingly permit its use by another;

(3) display or represent as one's own any ~~operator's or chauffeur's~~ driver's license not issued to him;

(4) fail or refuse to surrender to the department upon its lawful demand any ~~operator's--or--chauffeur's~~ driver's license which has been suspended, revoked, or canceled;

(5) use a false or fictitious name in any application for ~~an operator's--or--chauffeur's~~ a driver's license or commercial vehicle operator's endorsement or knowingly make

a false statement or knowingly conceal a material fact or otherwise commit a fraud in any such application; or

(6) permit any unlawful use of ~~an--operator's--or chauffeur's~~ a driver's license issued to him."

Section 32. Section 61-5-305, MCA, is amended to read:

"61-5-305. Employing ~~unlicensed---chauffeur~~ driver without endorsement. No person shall employ as a ~~chauffeur of a motor vehicle~~ commercial vehicle operator any person not then licensed and endorsed as provided by this chapter."

Section 33. Section 61-5-306, MCA, is amended to read:

"61-5-306. Renting motor vehicle to another. (1) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder or, in the case of a nonresident, then duly licensed under the laws of the state or country of his residence except a nonresident whose home state or country does not require that an operator be licensed.

(2) No person shall rent a motor vehicle to another until he has inspected the ~~operator's--or---chauffeur's~~ driver's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence.

(3) No person may rent a motor vehicle which is defined as a commercial motor vehicle under this title to another until he has inspected the driver's license of that

person and determined that the person has a commercial vehicle operator's endorsement.

~~(3)~~(4) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, and the number and expiration date of the license of said latter person~~,--and-the-date--and place--when--and--where--said--license--was-issued~~. Such The record shall be open to inspection by any police officer or officer or employee of the department."

Section 34. Section 61-7-105, MCA, is amended to read:

"61-7-105. Duty to give information and render aid. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving and shall upon request and if available exhibit his ~~operator's-or-chauffeur's~~ driver's license to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured

person."

Section 35. Section 61-7-107, MCA, is amended to read:

"61-7-107. Duty upon striking fixtures or other property upon a highway. The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his ~~operator's-or-chauffeur's~~ driver's license and shall make report of such accident when and as required in 61-7-109."

Section 36. Section 61-11-101, MCA, is amended to read:

"61-11-101. Report of convictions and suspension or revocation of driver's licenses -- surrender of licenses. (1) Whenever any person is convicted of any offense for which chapter 5 makes mandatory the suspension or revocation of the ~~operator's-or-chauffeur's~~ driver's license of such the person by the department, the court in which such conviction is had shall require the surrender to it of all ~~operator's--and--chauffeur's~~ driver's licenses then held by the person so convicted. The court shall thereupon, within 5 days, forward the license to the department and at the same time forward a record of such conviction to the department,

providing that if such person does not possess a driver's license the court shall so indicate in its report to the department.

(2) Every court having jurisdiction over offenses committed under any act of this state or municipal ordinance regulating the operation of motor vehicles on highways shall forward, within 5 days, to the department a record of the conviction or forfeiture of bail, not vacated, of any person in the court for a violation of any such laws, other than regulations governing standing or parking, and may recommend the suspension of the ~~operator's or chauffeur's~~ driver's license of the person so convicted. The court may also recommend that the department issue a restricted probationary license in lieu of the suspension required in 61-5-208(2) on the condition that the individual attend a driver improvement school or an alcohol treatment program if one is available. The department shall issue a restricted probationary license unless the person otherwise is not entitled to a Montana ~~operator's or chauffeur's~~ driver's license. Upon issuance of a probationary license, the licensee is subject to the restrictions set forth thereon and may not operate a vehicle in violation of those restrictions.

(3) Any court or other agency of this state, or a subdivision thereof, which has jurisdiction to take any

action suspending, revoking, or otherwise limiting a license to drive shall report any such action and the adjudication upon which it is based to the department within 5 days on forms furnished by the department."

Section 37. Section 20-10-103, MCA, is amended to read:

"20-10-103. School bus driver qualifications. Any driver of a school bus shall be qualified to drive such school bus by compliance with the following requirements:

(1) he is not less than 18 years of age;

(2) he is of good moral character;

(3) he is the holder of a ~~chauffeur's~~ driver's license with a commercial vehicle operator's endorsement;

(4) he has filed with the district a satisfactory medical examination report, on a blank provided by the superintendent of public instruction, signed by any physician licensed in the United States or, if acceptable to an insurance carrier, any licensed physician;

(5) he has completed a standard first aid course and holds a valid standard first aid certificate from an authorized instructor. The issuance of such certificate shall be governed by rules established by the superintendent of public instruction, provided that such rules may suspend this requirement for a reasonable period of time where there has been an inadequate opportunity for securing the first

aid course and certificate.

(6) he has complied with any other qualifications established by the board of public education; and

(7) he has filed with the county superintendent a certificate from the trustees of the district for which the school bus is to be driven certifying compliance with the several driver qualifications enumerated in this section."

Section 38. Section 72-17-204, MCA, is amended to read:

"72-17-204. Manner of executing gift -- effectiveness. (1) A gift of all or part of the body under 72-17-201(1) may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(2) (a) A gift of all or part of the body under 72-17-201(1) may also be made by document other than a will. The gift becomes effective upon the death of the donor.

(b) The document may be a card designed to be carried on the person and must be signed by the donor in the presence of two witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence in the presence of two witnesses who must sign the document in his

presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

(c) The document may be a statement attached to the reverse side of the person's Montana motor vehicle ~~operator's--or--chauffeur's~~ driver's license. The statement must be signed by the owner of the ~~operator's-or-chauffeur's~~ driver's license in the presence of two witnesses who must sign the statement in the presence of the donor.

(3) Any gift by a person designated in 72-17-201(2) shall be made by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message."

NEW SECTION. Section 39. Repealer. Section 61-1-312, MCA, is repealed.

NEW SECTION. Section 40. Rulemaking authority. The department of justice may adopt rules to implement [sections 1 through 38].

NEW SECTION. Section 41. Codification instruction. Sections 1 through 4 are intended to be codified as an integral part of Title 61, chapter 1, part 1, and the provisions of Title 61, chapter 1, part 1, apply to sections 1 through 4.

NEW SECTION. Section 42. Effective date. This act is effective January 1, 1988.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB212, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:
An act to provide for a classified commercial vehicle operator's licensing program; revising the motor vehicle laws to remove references to chauffeurs; amending Sections 20-10-103, 61-5-102, 61-5-104 through 61-5-116, 61-5-121, 61-5-201, 61-5-203 through 61-5-212, 61-5-301, 61-5-302, 61-5-305, 61-5-306, 61-7-105, 61-7-107, 61-11-101, and 72-17-204, MCA; repealing Section 61-1-312, MCA; and providing an effective date.

ASSUMPTIONS:
1. 93,000 chauffeur licenses have been issued. 20,000 of 93,000 will require a Class I commercial vehicle operator's endorsement, and 62,000 will require the Class II endorsement.
2. The endorsements will be issued ratably over a 4 year period.
3. Impacts Department of Highways through the Federal Commercial Motor Vehicle Act of 1986, beginning October 1, 1993.

FISCAL IMPACT:

Revenues:	Increases FY88	Increases FY89
State Special Revenue Fund Licenses	$ 76,500	$ 153,000
Federal Grant	260,000	130,000
Total	$ 336,500	$ 283,000
Expenditures:		
Personal Services	$ 88,600	$ 116,200
Operating Expenses	104,300	69,800
Equipment	123,000	73,800
Total	$ 315,900	$ 259,800
Balance	$ 20,600	$ 23,200

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:
N/A

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:
1. In 1991, the federal implementation funds run out.
2. Highway federal obligation authority will be reduced in FFY94 (October 1, 1993) by 5% and reduced by 10% in FFY95 and all succeeding years if Montana does not have a commercial vehicle operator licensing program.

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:
N/A

David L. Hunter DATE 1/30/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

DATE 2/2/87
WILLIAM FARRELL, PRIMARY SPONOSR

Fiscal Note for SB212, as introduced.

SB-212

STATUS SHEET

50th LEGISLATIVE SESSION

HIGHWAYS COMMITTEE

SENATE BILL NUMBER	ENTERED COM. DATE	DATE CON-SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON-CURRED IN DATE	BE NOT CON-CURRED IN DATE	BE CON-CURRED IN AMENDED DATE	BE NOT CONCURRI IN AS AMENDEI DATE
43	2/4/87	2/19/87								2/19/87	
69	2/18/87							3/26/87			
75	2/4/87	2/19/87						2/19/87			
76	2/4/87	2/19/87						2/19/87			
187	2/23/87	3/19/87								3/26/87	
212	2/23/87	3/5/87								3/26/87	
300	2/24/87	3/5/87						3/5/87			
369	3/4/87	3/19/87								3/19/87	
396	3/18/87	3/26/87	died in	committee							

MINUTES OF MEETING
HIGHWAYS & TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

The meeting of the Highways and Transportation Committee was called to order at 1:00 p.m., February 5, 1987, by Chairman Larry Tveit, in Room 410 of the State Capitol.

ROLL CALL: All members of the Highways and Transportation Committee were present except Senator Meyer and Senator Williams who were absent.

CONSIDERATION ON SENATE BILL 194: Senator Hager, Senate District No. 48, sponsor of the bill, testified that Senate Bill 194 would change the numbers on state license plates to a two-letter county designation. The letters would be arranged in a vertical position on the license plates.

PROPONENTS: Mr. Jerome Kohn, Retired Insurance Agent, testified that the current numbering system on all license plates is around fifty years old and was based on the counties ranking by population at the time the system was devised. The figures are now out-of-date but if the license plates were changed to a two-letter designation, they would never have to be changed again. Mr. Kohn stated as new licenses are issued under the currenty system, the numbers will be increasingly higher and there will be no more room on the license plates. The two-letter designations would make it easier to determine what county a vehicle was from. The plan would be phased in beginning January 1, 1988, and any new or replacement plates issued after that date would have the two-letter designations. Exhibit 1.

OPPONENTS: There were none.

QUESTIONS FROM THE COMMITTEE: Senator Lybeck, questioned Mr. Kohn as to the process of renewing the license plates and the use of stickers. The committee pointed out that there are personal license plates such as the National Guard and disabled veterans that have the two or three-letter plates already.

Mr. Larry Majerus, Montana Motor Vehicle Division, was asked how Department of Justice, Motor Vehicle Division felt about changing Montana's license plates. Mr. Majerus pointed out that other states already have two-letter plates and they stack their letters on the license plates. He stated there were some complaints about Montana's numbers. Mr. Majerus testified that the legislature has passed legislation for the department to reissue new plates for the centennial. The new system would have no significant impact on the cost of population or distributing plates. There would be a cost of about $13,600.00 to produce the decals for personalized plates.

CLOSING: Senator Hager closed by saying that the only person, or persons, he could see that would object to this bill would be "politicians" for they like to put the list of county numbers on materials they hand out to the voters.

The hearing on Senate Bill 194 was closed.

CONSIDERATION ON SENATE BILL 212: Senator Farrell, Senate District No. 31, sponsor of the bill, testified that Senate Bill 212 would classify commercial vehicle operator's licensing. Senate Bill 212 would comply with the federal government licensing program passed in December 1986. The bill would require the state of Montana to have a classification endorsement on drivers licenses. If this bill does not pass, the federal government would hold all federal funding. Senator Farrell testified that one of the problems that is facing drivers of Montana is the fact that other states will not except Montana drivers licenses. In the last session, Senator Farrell introduced legislation to start a classification system, but the agricultural community were excluded, therefore, we have included the 16% gross vehicle weight fee.

Classification would be grandfathered in. Drivers would have to fill out forms certifying that they were trained as a truck driver. This program has been set up by the federal government to stop the mobile licenses. The program would allow driver license bureaus to set up the guidelines and make the rules to comply with the federal program.

PROPONENTS: Larry Majerus, Administrator, Montana Motor Vehicle Division testifed that Congress passed the Commercial Vehicle Safety Act of 1986. This law requires a certain minimum disqualification for drivers, felonies, traffic and traffic violations. It specifies criminal, civil penalties for violation of licenses. It will be illegal for an operator to operate commercial licenses after July 1, 1987. (See Exhibit II)

Jim Manion, Exeuctive Vice President, Montana Automobile Association testifed about the trucking safety issues, hazardous business--especially for ther highway users. (See Exhibit III)

Gene Pigeon, Montana Dakota Utilities Resources Group, testifed that he supported Senate Bill 212 with the amendments that have been proposed by Gene Phillips, PPL NWTEL. (See Exhibit IV)

QUESTIONS FROM THE COMMITTEE: There were none.

CLOSING: We cannot delay in passing Senate Bill 212 for the federal government has passed the commercial motor ... safety act of 1986 which must be implemented by all the states by various dates in order to comploy with the federal government

regulations and to receive federal funding.

CONSIDERATION ON SENATE BILL 179: Senator Beck, Senate District No. 24, sponsor of the bill, testified that Senate Bill 179 would eliminate the proration of motor vehicles fees with the exception of property taxes, light vehicle license fees, and fees in lieu of tax. Light vehicle license fees, or fees in lieu of tax due thereon shall be prorated and paid from the last day of the old period until the first day of the new period in which the vehicle shall be registered.

PROPONENTS: Larry Majerus, Motor Vehicle Division, testifed that Senate Bill 179 allows the proration of property tax or light vehicle license fees in lieu of taxes. This would eliminate the proration of other fees--such as the junk vehicle fee, gross vehicle with fee or registration fee.

Susan Sprugeon, Montana County Treasurer's Association testified to prorate a 50 cent junk vehicle fee is time consuming and a nuisance. That the counties throughout the state of Montana support Senate Bill 179. (See Exhibit V)

OPPONENTS: There were none.

DISPOSITION OF SENATE BILL 179: A motion was made by Senate Lybeck that Senate Bill 179 DO PASS. It was seconded by Senator Abrams. The motion was carried unanimously.

A motion was made and seconded that the meeting be adjourned.

Senator Tveit

Senator Tveit, Chairman

(This sheet to be used by those testifying on a bill.)

NAME: Duane Tooley DATE: 2-5-87

ADDRESS: 5335 N. Mont. Helena

PHONE: 444 #536

REPRESENTING WHOM? Driver Services

APPEARING ON WHICH PROPOSAL: SB 212

DO YOU: SUPPORT? / AMEND? _____ OPPOSE? _____

COMMENT:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

ROLL CALL

HIGHWAYS & TRANSPORATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987 SB 179 194 Date 2/5/87

NAME	PRESENT	ABSENT	EXCUSED
Chairman: Larry Tveit	✓		
Vice Chairman: Lawrence Stimatz	✓		
Senator Hubert J. Abrams	✓		
Senator William Farrell	✓		
Senator Tom Hager	✓		
Senator Sam Hofman	✓ a		
Senator Ray Lybeck	✓		
Senator Darryl Meyer	a		
Senator Cecil Weeding	✓		
Senator Bob Williams	a		

Each day attach to minutes.

DATE 2/5/87

COMMITTEE ON Highways + Transportation

SB - 179, 194, 212

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Steve Spurgeon	Fergus Co Treasurer	SB 179 SB 194	✓	✓
Mr & Mrs R McKinsey	—	SB 212	✓	
GENE PHILLIPS	BPP&L & NTS	SB212	Amend	
GENE PIGEON	MDU Resources Group		Amend	
JEROME M. KOHN	HIMSELF	SB 194	✓	
BUD SCHOEN	MOTOR VEHICLES	SB 179	✓	
JIM NYREN	MONT. AUTO ASSOC.	SB 212	✓	
Beata Galda	Department of Highways	SB212	✓	
Paul Pouriier		SB 212	✓	
Ben Havdahl	MT Motor Carriers Assn	SB212	✓	
Larry Majerus	Motor Vehicles	179 212	✓	

(Please leave prepared statement with Secretary)

SB 212

SENATE HIGHWAYS
EXHIBIT NO. II
DATE 2-10-87
BILL NO. 212

COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986

TIMETABLE

1. Effective July 1, 1987, no driver may possess or apply for more than one license. State laws requiring the possession of more than one license are allowed to remain in effect until December 31, 1989, but are to be repealed by that time.

2. Effective July 1, 1987 - a) driver must notify state of licensure and the motor carrier of any moving violation, license suspension, or revocation within 30 days; b) driver applicants must notify motor carriers of all commercial driving jobs for a least past 10 years; c) a motor carrier may not knowingly permit operation of commercial vehicles by an unlicensed driver or one whose license is suspended or revoked.

3. Effective October 27, 1987 - FMCSR must be amended to place driver out of service for 24 hours for violation of Section 392.5 governing use and possession of alcoholic beverages and prohibiting consumption within four hours of going on-duty.

4. Effective July 15, 1988 - DOT must establish standards and minimum scores for written examination and driving test, and medical certification requirements. Driving test must be on a vehicle "representative" of the type to be driven. Additional knowledge and testing requirements for drivers transporting Hazardous materials. (ATA Council of Safety Supervisors favors such testing only for placarded loads). All drivers must be tested, however the Secretary of Transportation is authorized to grant waivers from certain provisions of the legislation where safety will not be adversely affected.

5. Effective July 15, 1988 - DOT must establish standards for the commercial driver's license to include name and address of licensee, physical description, class of license, name of issuing state, dates license is valid, and the person's Social Security number or other identifier. (ATA supports the use of a fingerprint as the identifer).

6. Effective January 1, 1989 - DOT must enter into agreement with states for an information center of license information to include information in #5, above

for each person, plus suspension and revocation information. This is to be preceded by a study of existing state systems. Information from clearinghouse to be available to DOT, state agencies, and to employers of drivers (with notification to drivers).

7. Effective April 1, 1992 - Each commercial driver must have a commercial vehicle license issued in accordance with the standards.

8. Effective October 1, 1993 - Each state must implement a commercial driver license program or face loss of federal highway funding (5% first year, 10% subsequent years). Standards for state implementation include the following:

   a) Implementation of the licensing requirements;

   b) establishment of a BAC level of at least 0.10;

   c) notify clearinghouse at least 60 days before issuing a commercial driver's license to any person, and within 30 days of issuing the license.

   d) notify a driver's state of licensure within 10 days for a moving violation;

   e) notify DOT (central clearinghouse) within 10 days of a disqualification;

   f) no state may issue a license to a person whose license is suspended or revoked;

   g) must check individual's record with the National Driver Register and consider it in connection with issuing a commercial license;

   h) license must be issued by driver's state of legal residence.

MINUTES OF THE MEETING
HIGHWAYS & TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 14, 1987

The meeting of the Highways and Transportation Committee was called to order by Chairman Larry Tveit on Saturday, February 14, 1987, after adjournment of the Senate, in Room 410 of the State Capitol for Executive Session.

ROLL CALL: All members were present.

DISPOSITION OF SENATE BILL 194: Chairman Tveit stated that there would be no testimony given on any of the bills that were being heard in executive session. Senate Bill 194 was sponsored by Senator Hager. Senate Bill 194 had to do with the changing of license plates from numbers on the plates to a two-letter county designation. The letters would be arranged in a vertical position on the license plates. A proposed amendment was presented by Senator Hager changing page 6, line 23 throughout page 7, line 13, by inserting the abbreviation of all designated counties.

Senator Hager moved the bill as amended. It was moved and seconded that Senate Bill 194 DO PASS AS AMENDED. Motion carried unanimously.

DISPOSITION OF SENATE BILL 106: Senate Bill 106 was sponsored by Senator Halligan and it was a difficult bill for it dealt with GVW Officers having the authorization to carry weapons. Under the law, GVW Officers are called "peace officers" and are allowed to carry weapons. As Director of the Department of Highways, Gary Wicks, has ruled, by using his discretionary authority, that the GVW Officers would not be allowed to carry guns. In 1971, Lt. Governor Bill Christianson introduced legislation to give the scale persons the authority to make arrests. At that time, the GVW Officers were under the jurisdiction of the Highway Patrol. If a GVW Officer was in any kind of trouble, or had to make an arrest, they would notify a Highway Patrolman and he would respond to the call and make the arrest for the GVW Officer. Senate Bill 106 would change the law giving them the authority to carry weapons.

It was moved and seconded by Senator Williams and Senator Hofman that Senate Bill 106 DO NOT PASS. It was unanimously carried.

A request was made that a committee bill be heard that would replace Senate Bill 106 to take the authority away from the GVW Officers as "peace officers" and change them to

Senator Farrell moved that the amendments DO PASS. Paul Verdon referred to subsections, page 4--technically the subsections would identify the definite sections that triple trailers would be driven on interstate highways only.

Motion was made to amend Senate Bill 187 by adding subsection 14, and carried unanimously.

Paul Verdon, Researcher, spoke about the Statement of Intent, paragraph 3. The working draft of the proposed rules of Montana are attached and the Statement of Intent. A motion was made and seconded that the Statement of Intent BE ADOPTED. Motion carried unanimously.

Senator Farrell moved that Senate Bill 187 DO PASS AS AMENDED. Motion was seconded and carried unanimously.

DISPOSITION OF SENTATE BILL 212: Senate Bill 212 was sponsored by Senator Farrell. Senate Bill 212 will provide a classified commercial vehicle operator's license program; revising the motor vehicle laws to remove references to chauffers. Senator Farrell presented an amendment to the bill. It would strike "I" to "A" following "calls" on page 16, line 12; strike "II" and insert "B" on page 16 and line 13.

It was moved and seconded that the amendments to Senate Bill 212 DO PASS. Motion carried.

A motion was made and seconded that Senate Bill 212 DO PASS AS AMENDED. Motion unanimously carried.

A motion was made and seconded that the Statement of Intent to Senate Bill 212 BE ADOPTED. Motion unanimously carried.

ADJOURNMENT: A motion was made and seconded that executive session be adjourned.

Senator Larry Tveit, Chairman

STANDING COMMITTEE REPORT

February 14, 19 87

MR. PRESIDENT

We, your committee on HIGHWAYS & TRANSPORTATION

having had under consideration SENATE BILL No. 212

first reading copy (white color)

PROVIDE COMMERCIAL VEHICLE OPERATOR'S LICENSING PROGRAM

Respectfully report as follows: That SENATE BILL No. 212

1. Page 16, line 12
Followoing: "Class"
Strike: "I"
Insert: "A"

2. Page 16, line 13
Following: "Class"
Strike: "II"
Insert: "B"

STATEMENT OF INTENT ADOPTED AND ATTACHED

AND AS AMENDED

~~DO PASS~~

DO NOT PASS

SENATOR TVEIT
Chairman.

STATUS SHEET

50th LEGISLATIVE SESSION

HIGHWAYS COMMITTEE

SENATE BILL NUMBER	ENTERED COM. DATE	DATE CON-SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON-CURRED IN DATE	BE NOT CON-CURRED IN DATE	BE CON-CURRED IN AMENDED DATE	BE NOT CONCURRED IN AS AMENDED DATE
43	2/4/87	2/19/87								2/19/87	
69	2/18/87							3/26/87			
75	2/4/87	2/19/87						2/19/87			
76	2/4/87	2/19/87						2/19/87			
187	2/23/87	3/19/87								3/26/87	
212	2/23/87	3/5/87								3/26/87	
300	2/24/87	3/5/87						3/5/87			
369	3/4/87	3/19/87								3/19/87	
396	3/18/87	3/26/87	died in	committee							

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

MINUTES OF THE MEETING
HIGHWAYS & TRANSPORTATION COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

March 5, 1987

Rep. John Harp called this meeting to order at 1:00 p.m. in Room 317 of the Capitol, Helena.

ROLL CALL

All Committee members were present. Mary McCue, researcher was also present.

Bills to be heard were SB 300, SB 212, and SB 69.

SENATE BILL 300

Senator Dick Manning, Senate District #18, Great Falls, chief sponsor of SB 300 said it is an act revising conditions resulting in a Class C motor carrier being considered as a Class B motor carrier and amends 69-12-302, MCA. A person who has been in business in Great Falls for 30 some years, due to some of the PSC restrictions, has to put something together or he will be in real trouble. This changes the authority in his limited pickup and delivery service of property. Any carrier whose property authority is incidential to the transportation of persons is not included in this statute so that does away with the taxicabs. He is Mike Murray Delivery in Great Falls.

PROPONENTS - None

OPPONENTS - None

QUESTIONS (OR DISCUSSION) FROM THE COMMITTEE

Rep. Harp asked the PSC persons present to be identified. They were Dave Burchett, head of the enforcement bureau, and Robin McHugh, staff attorney.

Rep. Swysgood asked Sen. Manning if he was wanting this Class C motor carrier to be recognized as a Class B motor carrier? Sen. Manning said it is just the reverse. He is a Class B and he now wants to be a Class C. He does have a Railroad Commission Authority (MRC) to transport goods in Montana. Rep. Swysgood asked if his classification has a financial obligation that goes along with it? Mr. Burchett advised the

technicality was concerned. Mr. McHugh said the language is sufficient. The only question they had a concern about was the last sentence that would make it more difficult for a taxicab to come in under this exception, and it does that. Senator Manning closed saying this is a necessary bill because of some changes in the codes over the years that are making it impossible for him to operate. His business is a pick up and delivery service. It keeps him operating and he has a good business that he works hard at.

Representative Menahan will carry SB 300 on the House floor.

SENATE BILL 212

Senator Bill Farrell, Senate District 31, was the chief sponsor of SB 212. It is an act to provide for a classified commercial vehicle operator's licensing program; revising the motor vehicle laws to remove references to chauffeurs; amends many sections; repeals 61-1-312, MCA; and provides a delayed effective date. In 1985 a classified testing system for licensing operators was considered, but ran into problems over agricultural exemptions. This bill is in response to the passage of a federal requirement for a commercial vehicle operator's license which was passed by Congress in November or December of last year. They have given states until 1991 to implement a classified driver's license program. There are 20 states that do not have such a program. Connecticut has already said they will not accept drivers' licenses from states that do not have a classified system, and there are a bunch of states that are making overtures saying they will do the same thing. That means that operators of commercial vehicles or trucks will have to get a license from those states before they can operate their vehicles in them. This bill specifically exempts 16% gross vehicle weight fees.

This will set up a certification system for grandfathering existing chauffeurs' licenses wherein those persons having chauffeurs licenses prove they have experience in whatever size vehicle they are asking to be endorsed for.

Larry Majerus is to here to answer questions.

PROPONENTS

LARRY MAJERUS, Administrator of the Motor Vehicle Division, stated this is their response to the Motor Vehicle Safety Act of 1986 which had been attached to the drug bill in Congress. They have had only a short period of time to put together a response because the law starts taking effect July 1, 1987, and places some requirements on the state in terms of having

procedures in place to guarantee a one-license and a one-record concept. That concept has been in our driver's license law since 1964, so there is no problem in that particular area. There are problems in other areas and he feels this legislature should authorize them to proceed on a classified drivers license system for commercial vehicle operators. By July 15, 1988 we are required to respond to federal highway administration rules for testing these drivers and for issuing certain licenses. They don't know what those rules are going to be, although they have an idea based on the testimony before Congress, and based on the industry comments of the Federal Highway Administration on rulemaking, but they won't know what the final rules will be until that particular time, yet are supposed to be working on a program and have it in place by that time.

By January 1989 we must be able to communicate from the point of licensing with the clearing house. Federal law requires the department of transportation to set up a clearing house of drivers so they can ascertain if somebody should be on the road or not. Some type of communication system will hav e to be developedso we will be able to communicate with them and not hold up a driver who needs to get on the road. By April 1, 1992, we are required to have this whole program in place. One of the reasons they are asking for authority is that Montana is on a four-year licensing cycle. Four years before April 1, 1992 is going to be April 1, 1988. They would like some program that would meet the minimum qualifications involved and address those required by the federal government by next year. That is why they are asking this bill be passed.

Montana has had the authority in the law for a long time for a classified drivers license, but it has neve r been implemented largely because of the cost of starting up a commercial drivers license program or a classified drivers license system. The fiscal note shows the amount of federal funds they anticipate from the Department of Transportation in terms of being able to implement the program. The state funds or state special funds that are to be charged the users or the people who will be getting these licenses provides for two classes of licenses; one of which will be charged $12 for a four-year license and the other $6 for a four-year license. The money is for two purposes, one is to provide money so the state can incur costs that may not be eligible for reimbursement, and then after 1992 this money would be there to carry on the program's ongoing costs. It is their hope that all of the start up costs of getting everyone into the system, developing the tests, and developing the communications network would be paid for by the federal money.

The bill gives them rulemaking authority. They do anticipate interim rules to get the program on the way and anticipate final rulemaking authority in the Fall of 1988 which is right before the legislative session. If there is some problem with the rules they will have adopted, that is the appropppriate time for the legislature to take up those rules. They have to have rulemaking authority to be flexible, and to handle all the situations which they don't really know about. Operations under emergency conditions will be handled under rulemaking authority.
Duane Tooley, Chief of Driver's Services for the Motor Vehicle Division, will be responsible for the administration and development of this program. He will explain the mechanics of the program.

They don't think the federal government is going to permit a blanket grandfathering of drivers licenses. They are hopeful of being able to develop some type of certification system so they can review the employment and driving history of an individual and grant them a type of license under that rulemaking authority, so they will be a papered grandfather or a qualified certified grandfather. It will be in place by next January.

DUANE TOOLEY, Chief of Drivers Services, said the import of SB 212 is not great in and of itself. The commercial driving license is here through a federal act. The funding that is available for this from the federal government is important to us, and it is important that we look at it to implement this bill rather than just use it later on. Our approach to this is to respond minimally to the federal act and do as little as we could until we knew exactly what the federal people want. The design they have come up with has two classes of license. Class A would be for commercial intrastate drivers who would have to meet all of the federal regulations judging from the content of their law and the intent they have behind it. It would involve a test for the driver in the type of vehicle he wished to get a license for; it would also require that he furnish a medical certificate; require a fairly complex written test; and probably a review of his driving record for the past several years. This class would be subdivided as would the other one into smaller groups, the large semitruck or triple unit, heavy trucks, and two-ton trucks, so there would be at least three sub classes.

The second major classification, Class B, would be those people who did their driving solely within the state of Montana. They see no need to have them comply completely with the federal regulations. They would have to take a test in the type of vehicle they drive. They would not have to

furnish the medical certificate, or if they did it would be much less than is currently required. This group would be subdivided into three subclasses based on the type of vehicle being driven. A further subclass required by the federal law is the handling and hauling of hazardous materials. This would involve a written test and would be added onto whatever other classes the individual wished to have. It is a fairly complex bill, but they feel that what is needed at this point is minimal and it will get them by for the next two years.

The federal act does require several other things, but none of those are immediate in their implementation, so they will be back to talk about some of the other things the federal act requires. They will know more about them at that time because they have not seen anything other than conjectural correspondence from the feds.

ROBERT L. HELDING appeared on behalf of the Montana Motor Carriers Association. They are in support of SB 212. The enactment of legislation by Montana to implement federal commercial driver's license requirements is mandated by the Federal Commercial Vehicle Safety Act of 1986. See his testimony EXHIBIT #1 and handout EXHIBIT #2. They asked for support of HB 212.

JIM MANION, represents the Montana Automobile Association which is a AAA affiliate in Montana. See his testimony, EXHIBIT #3. AAA believes that a national truck driver licensing system would assure adequate testing of truck drivers and help put an end to the practice of a truck driver obtaining licenses in several states. For the reasons listed in his testimony, they urge adoption of SB 212.

OPPONENTS - None

QUESTIONS (OR DISCUSSION) FROM THE COMMITTEE

Rep. Poff asked what happens to the people who already have chauffeurs licenses? Mr. Tooley said a person can come in at the expiration of their chauffeurs license, and obtain a classified license of the types they wish. They will be required to provide some proof of experience, at least owner-operator, self-certified, or hired drivers would bring a statement from employers. It will be a little difficult for people who have carried chauffeurs licenses for many years and have not used them in employment. Some may drop theirs and if others may wish to continue theirs, they may have to take a test that shows they know how to drive.

Rep. Swysgood stated a driving test would have to be administered for a new license. Are the local drivers license

offices going to administer these tests, or will there be a central testing place? Will they have a tractor and trailer available? Mr. Tooley answered the mechanics of it are somewhat up in the air. Their current plans would say that the written test would be available anywhere. The local examiner would be able to handle most single units. The largest trucks will have a special examiner in some special area. They would try to schedule these around but it wouldn't be every week, and the state would not supply the vehicle for testing. The driver will be responsible for that.

Rep. Roth said he drives a silage truck occasionally. Would that come under this? Mr. Tooley said it would come under this if it were not a 16% vehicle.

Rep. Mercer stated he is all in favor of this idea, but he is concerned about what has to be done now in light of all the uncertainty. Rep. Farrell said as a board member he carries very little weight because Montana does not have a system he can talk about. They tell him they will not listen to what he says until Montana gets a classified system. It does not leave him the option as a board member to go back to the department of transportation and say this is what we do in Montana. Without a classified system, they will not even listen to you.

We are trying to leave this open so the department can implement by rule what we end up with at the federal level. Many problems have not been addressed at the federal level. He is trying to get a system in place so he can argue that we have a system in place. Rep. Mercer worried about turning over to the Motor Vehicle Division complete authority to set standards. Mr. Tooley advised there is a regular process of public hearings before rulemaking is finalized. They are unable to set rules until they know what is to be required at the federal level.

If this program is not in place, highway funds will be withheld.

Rep. Swysgood's main concern was in how these tests are to be administered. Maybe some of those drivers license examiners are not qualified to give the proper test. The department may have to hire qualified examiners who have driven tractor trailer rigs themselves. The fiscal note may not indicate the cost that may arise. Rep. Farrell advised that has something to do with federal funds up front.

Mr. Majerus said their development program is based on two things. One is what was available to them up front from the

federal government, and the necessity of developing a program that they felt Montana could afford to maintain after the federal money was gone. That is the user fees. That is why they limited the number of personnel they were going to put on. They are authorized under the federal funds to contract for startup if they need more people to begin with. They are also authorized to provide training for their examiners so they can be trained, not only to take a test but to operate one of those trucks. This is a very important issue with the industry nationwide. They want the examiner to also know how to operate that vehicle, and they intend to do that. This program is planned for the long term.

Rep. Jones asked how would an operator go about getting a test if he drove for an outfit that wouldn't loan him their equipment? Mr. Majerus said there would be a variety of approaches to that. One is that we will see more commercial driving schools, otherwise a young person can't get into the business without some background or some educational basis. A school would provide that. In cases of an employer, an employer would have to provide a vehicle, or some other arrangement would have to be made, maybe leasing. They don't anticipate providing a vehicle at this time, but may be forced to do so. No other states that have a classified drivers system have provided vehicles. Makes it more difficult.

Rep. Stang said some people are upset with the drivers license stations no longer existing. A driver may have to drive 200 miles to take the test. How would that be done? Mr. Majerus answered if he is an existing driver, he probably will not have to take that test. The only people who will probably have to take that test will be new drivers coming into the system, or drivers who have been out of the system for a period of time. Testing will probably be done on some kind of a time or appointment basis. They recognize they can't ask an individual to make a long trip.

Rep. Stang said this could be an expensive and inconvenient program for a driver. Mr. Majerus stated they are going to make it as convenient as possible. The federal law speaks to intrastate drivers. Any county bordering another state is going to know the importance of this because a truck will not be able to cross that state line unless Montana has some kind of a classified license program. They know that system is going to include some kind of driving test. Federal rules would go against Congressional intent if any state exempted anything in that area of testing new drivers.

Rep. Harp asked about hazardous materials. Is there a federal definition that falls into this? If a person is hauling

hazardous material with a vehicle under 26,000#, which is where these requirements kick in, does he fall under all these classifications, including Class C? Sen. Farrell answered the hazardous material question is pretty well open in the federal act. Their definition isn't any better than ours. That will have to be defined in our rules as they find out more about it. The kick in on the hazardous material is 10,001#, and if that were the case, that classification would be added to the regular drivers license. You could conceivably have a regular drivers license with a hazardous materials qualification. Rep. Harp thought 10,001# is a weird number. Are we talking a one ton or a ton and a half vehicle? Sen. Farrell said it is inbetween and is a federal number. Rep. Harp asked then basically potentionally anyone hauling hazardous material in a one-ton pickup could be required to have a hazardous endorsement? Sen. Farrell agreed saying that would be an acknowledgement that they knew how to handle hazardous material. Rep. Harp said the driver would have to have a written test, a medical test, and a review of any past driving violations.

Rep. Farrell closed. He doesn't think Montana is going to like what they get out of that. We really need this system in place. Maybe it is not perfect yet, but we can at least work with it. We will never get a chance to work with the federal program. We have seen what happens when they come and say we are going to take away the money if you don't do this. He hoped to pass the bill and give Montana a chance to argue in Washington that this is how our system works.

SENATE BILL 69

Senator Bill Farrell, Senate District #31, sponsored SB 69 at the request of the Department of Justice. It is an act authorizing the Department of Justice to designate civilian employees as peace officers with limited jurisdiction; providing penalties for violations of safety standards; and amending 44-1-1005 and 61-9-512 MCA. This is an oversight from 1985 of moving the inspectors from the PSC to the Highway Patrol. The Highway Patrol is now hiring civilians under their auspices to inspect trucks. These people have no authority to issue tickets on violations. This bill gives them limited authority under sections 5 and 9, drivers violations, and equipment violations.

PROPONENTS

COLONEL BOB LANDON, Chief of the Highway Patrol, explained this bill gives limited authority to civilian inspectors so they can issue citations for expired drivers licenses, and

DAILY ROLL CALL

HIGHWAYS & TRANSPORTATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 5, 1987

NAME	PRESENT	ABSENT	EXCUSED
Rep. John Harp, Chairman	✓		
Rep. William Glaser, Vice Chairman	✓		
Rep. Bud Campbell	✓		
Rep. Harry Fritz	✓		
Rep. Hal Harper	✓		
Rep. Tom Jones	✓		
Rep. Mike Kadas	✓		
Rep. Roland Kennerly	✓		
Rep. John Mercer	✓		
Rep. Helen O'Connell	✓		
Rep. Bing Poff	✓		
Rep. Rande Roth	✓		
Rep. Clyde Smith	✓		
Rep. Barry Stang	✓		
Rep. Charles Swysgood	✓		
Rep. Fred Thomas	✓		

March 5, 1987

SB 212

Montana Motor Carriers Association is in support of SB 212.

The enactment of legislation by Montana to implement federal commercial driver's license requirements is mandated by the Federal Commercial Vehicle Safety Act of 1986.

The issuance of a single commercial vehicle driver's license to interstate and intrastate truck drivers will eliminate or heavily curb abusive practices by truck drivers whom obtain several drivers licenses in several states. Then when they are stopped for speeding and for other infractions they tender which ever license can stand the infraction. This situation makes it next to impossible for Motor Carriers to discipline drivers or for authorities to revoke or take action against abusive drivers. A few bad apples can spoil the whole barrel.....

MMCA implemented a program one year ago to inform carriers about speeding tickets issued to truck drivers by the Montana Highway Patrol. We mail a copy of the ticket to the carrier along with a letter suggesting disciplinary action. Some 4,000 tickets were mailed and some 414 carriers from all over the country and Canada responded favorably to the program and supported the effort to be continually informed about driver's speeding tickets. This response indicates that the vast majority never learn about tickets issued to drivers. They will under SB 212.

For the committee's information, I'd like to distribute a brief timetable of implementation of the Federal Commercial Motor Vehicle Safety Act of 1986.....

It reflects in point 8 on page 2 that ultimately, in 1993 all states must have implemented the requirements or face the loss of federal highway funding 5% the first year and 10% subsequent years.

Also, MMCA's publication reprinted in part in September, 1986, the story in USA Today with the cartoon of the truck driver flashing several licenses.... A copy of that story is also being circulated.

Thank you.

COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986

TIMETABLE

1. Effective July 1, 1987, no driver may possess or apply for more than one license. State laws requiring the possession of more than one license are allowed to remain in effect until December 31, 1989, but are to be repealed by that time.

2. Effective July 1, 1987 - a) driver must notify state of licensure and the motor carrier of any moving violation, license suspension, or revocation within 30 days; b) driver applicants must notify motor carriers of all commercial driving jobs for a least past 10 years; c) a motor carrier may not knowingly permit operation of commercial vehicles by an unlicensed driver or one whose license is suspended or revoked.

3. Effective October 27, 1987 - FMCSR must be amended to place driver out of service for 24 hours for violation of Section 392.5 governing use and possession of alcoholic beverages and prohibiting consumption within four hours of going on-duty.

4. Effective July 15, 1988 - DOT must establish standards and minimum scores for written examination and driving test, and medical certification requirements. Driving test must be on a vehicle "representative" of the type to be driven. Additional knowledge and testing requirements for drivers transporting Hazardous materials. (ATA Council of Safety Supervisors favors such testing only for placarded loads). All drivers must be tested, however the Secretary of Transportation is authorized to grant waivers from certain provisions of the legislation where safety will not be adversely affected.

5. Effective July 15, 1988 - DOT must establish standards for the commercial driver's license to include name and address of licensee, physical description, class of license, name of issuing state, dates license is valid, and the person's Social Security number or other identifier. (ATA supports the use of a fingerprint as the identifer).

6. Effective January 1, 1989 - DOT must enter into agreement with states for an information center of license information to include information in #5, above

for each person, plus suspension and revocation information. This is to be preceded by a study of existing state systems. Information from clearinghouse to be available to DOT, state agencies, and to employers of drivers (with notification to drivers).

7. Effective April 1, 1992 - Each commercial driver must have a commercial vehicle license issued in accordance with the standards.

8. Effective October 1, 1993 - Each state must implement a commercial driver license program or face loss of federal highway funding (5% first year, 10% subsequent years). Standards for state implementation include the following:

   a) Implementation of the licensing requirements;

   b) establishment of a BAC level of at least 0.10;

   c) notify clearinghouse at least 60 days before issuing a commercial driver's license to any person, and within 30 days of issuing the license.

   d) notify a driver's state of licensure within 10 days for a moving violation;

   e) notify DOT (central clearinghouse) within 10 days of a disqualification;

   f) no state may issue a license to a person whose license is suspended or revoked;

   g) must check individual's record with the National Driver Register and consider it in connection with issuing a commercial license;

   h) license must be issued by driver's state of legal residence.

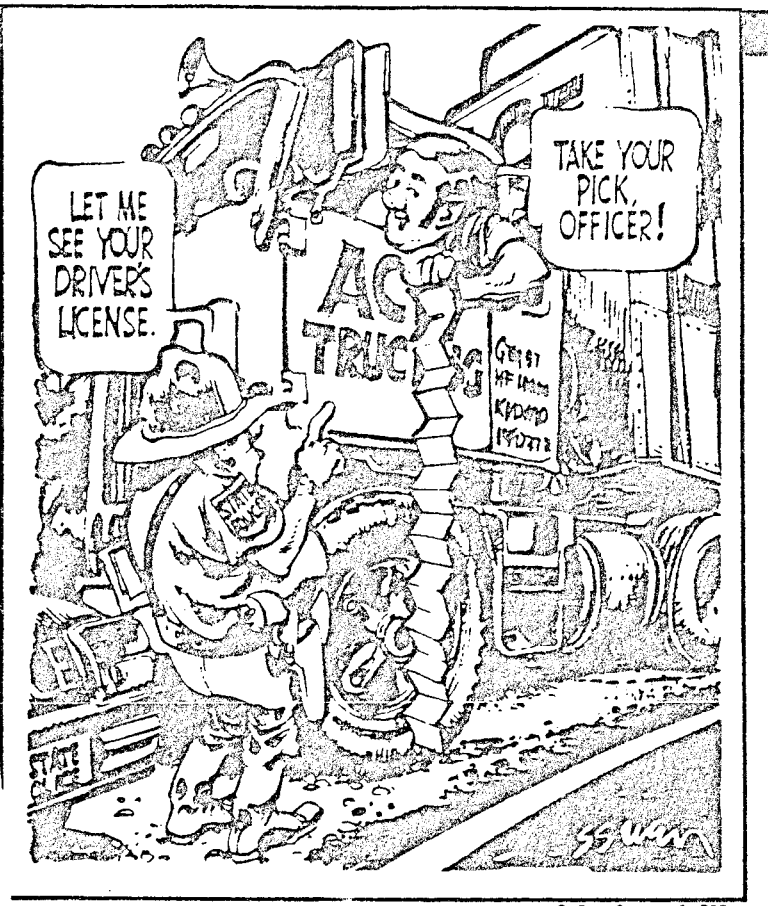
Single License Coming?

The concept of establishing a single, classified license for commercial drivers appears to be an idea whose time has come.

Legislation to establish a national commercial drivers license was introduced in the Senate last January by Sens. John Danforth (R-MO) and Robert Packwood (R-OR). The National Transportation Safety Board subsequently issued a major study calling for a national drivers license, uniform testing standards and improved training of professional drivers, and recent hearings on the Danforth/Packwood bill were expected to attract widespread support for establishing national standards for licensing driving professionals.

A staff draft bill now being circulated by a House Public Works subcommittee on surface transportation may well become the primary vehicle for legislation implementing the single license concept for commercial drivers. The House bill leaves the actual licensing

(continued page 29)



By David Seavey, USA TODAY

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Missoula, MT 59807
(406)728-6554

(Single License continued)

ocedure in the hands of the states, ,ough it requires establishment of uniform federal standards. This is the approach favored by the American Trucking Associations and most other industry groups.

Not to be outdone, the Bureau of Motor Carrier Safety is reportedly preparing a proposed notice of rulemaking to determine the feasibility of a single, classified driver's license system for truck and bus drivers. A separate rulemaking proposing strengthened licensing and training criteria for hazardous materials drivers has already been issued by BMCS.

Other legislative commitments and a shortened election year session will likely prevent passage of a licensing bill this year. Chances for favorable consideration next year, however, are good. Debate will center on how to structure the system, what to include in uniform testing standards, and whether to require the re-licensing of current drivers.

The draft House bill would require the Secretary of Transportation to establish minimum federal standards for testing and ensuring the fitness of drivers operating vehicles in interstate commerce.

These standards would have to include passage of a written test and of a road test in the type of vehicle to be operated. The standards must also ensure that the applicant knows and understands pertinent federal safety and hazardous materials regulations.

The bill would prohibit commercial drivers from holding more than one license. Any traffic citations received by the driver, while on duty or when driving a personal vehicle, would go on a single driving record. An information clearinghouse would be established to act as a depository for driving record information on all holders of commercial licenses. This information would be made available to states and to employers.

Commercial drivers convicted of driving while under the influence of alcohol or drugs would be disqualified for not less than one year for a first violation. If the driver were hauling hazardous substances the initial disqualification would be for a minimum of three years. A second conviction would mean disqualification for life. Lesser violations would require disqualifications for periods of 60 days to one year.

States would be eligible for federal grant money to implement the licensing program and could become subject to loss of federal highway money if they failed to implement the program within the given period.

Front Brakes: Regulations May Forbid Removal

by Richard P. Landis

Richard P. Landis is associate administrator for motor carriers for the Federal Highway Administration. The following exclusive report on front brake usage in trucks, was written prior to the announcement of a rulemaking to formally end the practice of disabling front brakes on trucks. *(See Rulemaking story on page 30.)*

Do trucks without front wheel brakes stop in a shorter distance than trucks with front-wheel brakes?

Many truck drivers would answer true, though the answer is false. Sudden stopping in a truck with only rear brakes generally reduces control and increases stopping distances, especially on icy or wet roads.

A National Highway Traffic Safety Administration (NHTSA) regulation requires all trucks built since 1980 to have front brakes when they leave the factory. However, a 1952 federal rule allows trucks drivers to remove entire front brake assemblies on the front axles of three-axle tractor units.

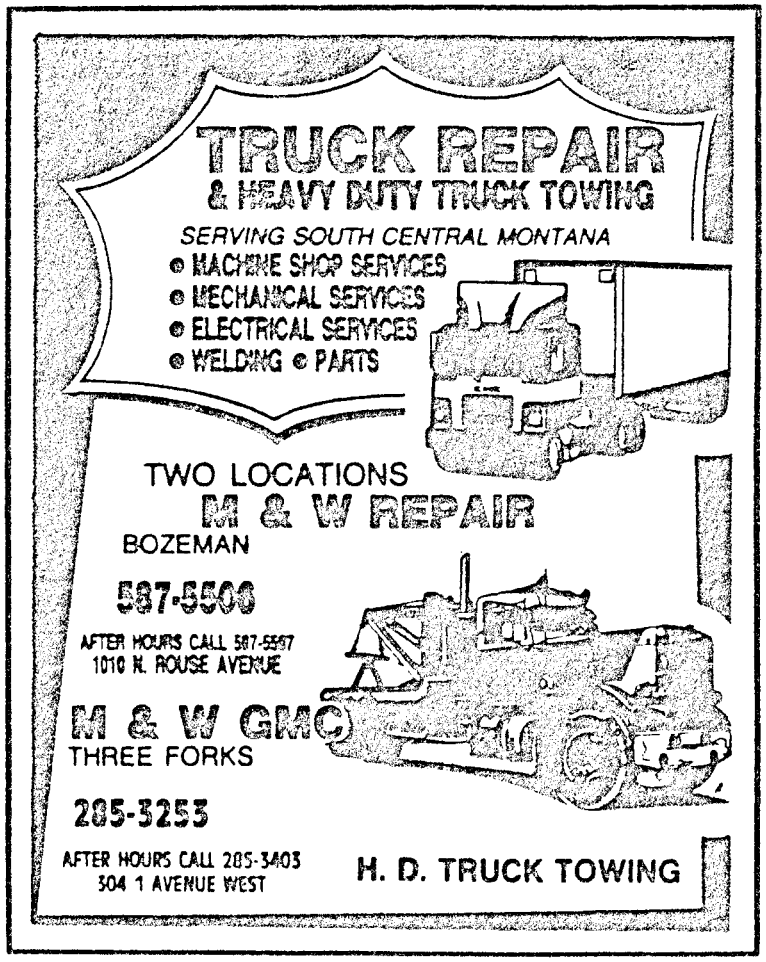
Nearly 30% of the 500,000 big trucks traveling in the United States do not have working front brakes. Drivers or owners deliberately remove or disconnect them, thinking this will make the truck safer and maintenance easier. This misconception dates back to the 1952 ruling.

Studies and engineering done at that time prompted this ruling, originally issued by the Interstate Commerce Commission and now on the books of the Federal Highway Administration (FHWA). The thinking then was that steerability was more important than the ability to brake.

The 1952 rule was intended to help truck drivers avoid front wheel lockup and maintain control in emergency stops. Twenty years ago this probably was sound thinking because of the relative state of heavy truck brakes. Drivers felt it was safer to disconnect front brakes to avoid front wheel lockup on slippery surfaces, which would result in loss of steering control.

Current braking technology has significantly advanced over the

(continued page 35)



#3
3/5/87
SB 212

TESTIMONY OF

JIM MANION

EXECUTIVE VICE PRESIDENT

MONTANA AUTOMOBILE ASSOCIATION

BEFORE THE

HOUSE HIGHWAY COMMITTEE

CONCERNING SB 212

NATIONAL STANDARDS FOR COMMERCIAL

VEHICLE OPERATORS LICENSING PROGRAM

MARCH 5, 1987

The Montana Automobile Association, serving more than 77,000 members, appreciates this opportunity to comment on trucking safety issues, particularly our belief that national standards for truck licensing are long overdue.

Operation of combination trucks over the nation's increasingly-crowded highways is a hazardous business--especially for other highway users. Combination trucks currently have an accident fatality rate almost two and one-half times higher than passenger cars even though combination trucks predominantly use the safest roads in the world. In the last two years alone, truck-related fatalities have increased nine percent in the wake of the 1982 Surface Transportation Assistance Act mandating larger and wider trucks. Even the trucking industry admits it has to clean up its safety act.

That's why AAA strongly believes that truck driver licensing should be tightly controlled and large trucks should never be allowed to use roads for which they were not designed, regardless of the alleged economic justification.

Unfortunately, today in many states if you pass the regular motorist licensing test in your compact car, you are entitled to drive a tractor semi-trailer truck nationwide, and a tandem trailer truck in every state except Connnecticut. If you do lose a license the current system ensures your opportunity to have several other licenses as well. Indeed, Interstate truckers can easily spread their traffic violations over a number of licenses, thereby assuring a "good driver"

rating regardless of the number of violations they have committed.

Unfortunately, many current state requirements are notoriously lax. In over a third of the states drivers are not required by the licensing process to demonstrate the ability to drive the type of truck they intend to operate. A report on performance tests for heavy vehicle operators made to the National Highway Traffic Safety Administration in December, 1984, notes that even in "the 46 states and jurisdictions that issue special licenses or endorsements only about half (23) require the test to be taken in a vehicle of the type for which a permit is sought and all but seven of these only require the vehicle to be 'suitable', leaving it to the driver and/or examiner to decide what type of vehicle is appropriate."

The public, however, recognizes the need for greater control of trucks. A scientific, national poll to obtain information and consumer attitudes toward truck driver licensing procedures was conducted for AAA in July, 1985. Seventy-seven percent of the respondents expressed agreement that the federal government should change licensing procedures and issue a single truck drivers' license. AAA members who were part of the survey were even more inclined to support a single national truck drivers' license; eighty-two percent of AAA members supported the concept.

The results of this poll were no surprise to AAA; the public is united in its quest for truck licensing reform.

There was a time when our membership found large trucks merely fourth on the list of major highway annoyances. Confusing highway signs, dirty restrooms, and traffic congestion were the leading complaints. But times have changed.

In every survey since 1980 by many Auto Clubs, tailgating truckers has been the number one motorist complaint.

Our members are giving us a similar message--tailgating and other unsafe maneuvers by truckers are the worst problem they face on the road today.

A national licensing system for trucks would do much to eliminate high risk drivers. Just as commercial aircraft pilots are effectively grounded when the Federal Aviation Administration suspends or revokes their pilot's licenses, so should a commercial vehicle operator be "grounded" when traffic violations are so serious or so frequent that license suspension or revocation is warranted.

Is it too much to expect the operators of combination trucks to be required to demonstrate ability to operate the equipment they are licensed to operate? We believe the driving public is entitled to such safeguards. Failure of the states to adequately provide such minimum safety standards argues for the imposition of national standards.

In summary, once established, a national commercial operators license would do five important thing:

1. ensure that drivers can competently handle the vehicles they will drive;

2. eliminate multiple licensing--that is, eliminate the practice of drivers holding more than one license, a practice which wrongly assures their continued right to drive even when they receive numerous tickets or when one of their licenses is suspended or revoked;

3. ensure that the commercial vehicle operator's license is a very valuable license that the holder will know must be protected through safe, law-abiding driving;

4. identify problem drivers so that they can be retrained or rehabilitated before their driving privileges are reinstated; and

5. professionalize the occupation of truck drivers by making the issuance of a commercial motor vehicle license a symbol of achievement.

AAA believes that a national truck driver licensing system would assure adequate testing of truck drivers and help put an end to the practice of a truck driver obtaining licenses in several states.

Amendments to SB 212 Second reading (yellow) copy

1. Page 2, line 8.
Following: "vehicle."
Insert: "However, if the applicant's vehicle does not otherwise require a commercial vehicle operator's endorsement, a hazardous material endorsement may be substituted for the commerical vehicle operator's endorsement."

2. Page 2, line 20.
Following: "or material"
Insert: ", defined or listed as a hazardous material in Title 49, Code of Federal Regulations,"

3. Page 6, line 11.
Strike: "as an operator,"

4. Page 13, line 3.
Following: "applicants."
Insert: "(1)"

5. Page 13, following line 20.
Insert: "(2) Within 90 days of receipt of an application for a commercial vehicle operator's endorsement, the department shall give an examination for endorsement to the applicant in the county where the applicant resides."

6. Page 16, line 14.
Following: "(i)"
Strike: "Class I A"
Insert: "interstate"

7. Page 16, line 15.
Following: "(ii)"
Strike: "Class II B"
Insert: "intrastate"

8. Page 17, following line 4.
Insert: "(11) After January 1, 1988, the holder of a valid operator's, chauffeur's, or driver's license may obtain a hazardous material endorsement by successfully completing a written examination."

MINUTES OF THE MEETING
HIGHWAYS & TRANSPORTATION COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

March 26, 1987

Rep. John Harp. Chairman, called the meeting to order at 1:00 p.m. in room 317 of the Capitol, Helena.

ROLL CALL

All committee members were present except Representatives William Glaser, Roland Kennerly and Clyde Smith. Mary McCue, researcher for the committee was present.

Bills to be heard were HB 896 and SB 396.

HOUSE BILL 896

Rep. John Mercer, House District #50, Flathead Lake District, sponsored HB 896 which is an act providing a contingent increase in the fuel conservation speed limit, amends 61-8-304, and provides a contingent effective date. It raises the speed limit on federal-aid interstate highways to 65 miles an hour, leaving the speed limit at 55 miles per hour on other public highways. There were many representatives' signatures on this bill.

PROPONENTS - None

OPPONENTS - None

EXECUTIVE SESSION

HOUSE BILL 896

Rep. Swysgood made a motion that HB 896 DO PASS. Motion was adopted unanimously.

QUESTIONS (OR DISCUSSION) FROM THE COMMITTEE

HOUSE BILL 212

HB 212 provides for a commercial vehicle operator's license program. Rep. Swysgood said the subcommittee addressed some of the concerns in this bill and developed some amendments, EXHIBIT #1, addressing committee concerns. The federal government is going to mandate some rules and this bill will alleviate a lot of problems. Rep Swysgood moved the first amendment dealing with the requirement for a commercial vehicle operator's license be adopted. A hazardous material

endorsement may be substituted for an operator's endorsement. See amendments on the standing committee report. Amendment #5 allows 90 days after an application has been received for an endorsement to be issued. The examination would be held in the county where the applicant resides and if there are no applications, no examination would have to be held.

Amendments #6 and #7 apply to Class A and B licenses to make the language conform to federal language.

Amendment #8 addresses the endorsement for the hazardous material on an operator's license. It will be necessary to complete a written examination. The federal law is going to mandate that anyway. An operator will have his regular license with that endorsement on it. This will alleviate problems with trucking licenses.

Rep. Stang thinks these are good amendments to send to the House floor. Rep. Kadas asked what the cost for the testing would be. Rep. Swysgood answered it would save money because unless there were an application, no examiner would have to go to that county.

The amendments were adopted unanimously.

Rep. Swysgood made a motion that HB 212 DO PASS AS AMENDED. The motion was adopted unanimously by those present.

SENATE BILL 300

This is Senator Manning's bill for a special carrier in Great Falls. Rep. Roth moved SB 300 BE CONCURRED IN; and the motion carried unanimously. Rep. Menahan will carry SB 300 on the House floor.

SENATE BILL 69

Senator Farrell's motor carrier safety bill. Rep. Roth moved SB 69 BE CONCURRED IN; motion carried with Rep. Stang voting No. Several members of the committee were absent.

SENATE BILL 187

Rep. Swysgood moved SB 187 BE CONCURRED IN. This motion was adopted 10-5 after the following discussion.

Rep. Stang stated there are a number of independent trucking firms in Montana that are opposed to the triple trailers, saying it will put them out of business. On one of the new stretches of interstates in Montana, information from the

DAILY ROLL CALL

HIGHWAYS & TRANSPORTATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date [illegible]

NAME	PRESENT	ABSENT	EXCUSED
Rep. John Harp, Chairman	✓		
Rep. William Glaser, Vice Chairman			
Rep. Bud Campbell	✓		
Rep. Harry Fritz	✓		
Rep. Hal Harper	✓		
Rep. Tom Jones	✓		
Rep. Mike Kadas	✓		
Rep. Roland Kennerly		✓	
Rep. John Mercer	✓		
Rep. Helen O'Connell	✓		
Rep. Bing Poff	✓		
Rep. Rande Roth	✓		
Rep. Clyde Smith			
Rep. Barry Stang	✓		
Rep. Charles Swysgood	✓		
Rep. Fred Thomas	✓		

STANDING COMMITTEE REPORT

HOUSE

March 26, 19 87

Mr. Speaker: We, the committee on HIGHWAYS & TRANSPORTATION

report SENATE BILL 212

☐ do pass ☒ be concurred in ☒ as amended
☐ do not pass ☐ be not concurred in ☒ statement of intent attached

PROVIDE COMMERCIAL VEHICLE OPERATOR'S LICENSING PROGRAM

REP. JOHN HARP Chairman

Be Amended As Follows:

1. Page 2, line 8.
   Following: "vehicle."
   Insert: "However, if the applicant's vehicle does not otherwise require a commercial vehicle operator's endorsement, a hazardous material endorsement may be substituted for the commerical vehicle operator's endorsement."

2. Page 2, line 20.
   Following: "or material"
   Insert: ", defined or listed as a hazardous material in Title 49, Code of Federal Regulations,"

3. Page 6, line 11.
   Strike: "as an operator,"

4. Page 13, line 3.
   Following: "applicants."
   Insert: "(1)"

5. Page 13, following line 20.
   Insert: "(2) Within 90 days of receipt of an application for a commercial vehicle operator's endorsement, the department shall give an examination for endorsement to the applicant in the county where the applicant resides."

6. Page 16, line 14.
   Following: "(i)"
   Strike: "Class ~~I~~ A"
   Insert: "interstate"

7. Page 16, line 15.
   Following: "(ii)"
   Strike: "Class ~~II~~ B"
   Insert: "intrastate"

(Continued)

Rep. Sywsgood will carry on the House floor.

Third reading copy (Blue color)

8. Page 17, following line 4.
   Insert: "(11) After January 1, 1988, the holder of a valid operator's, chauffeur's, or driver's license may obtain a hazardous material endorsement by successfully completing a written examination."

~~AMENDMENTS TO SB 212~~
~~[illegible]~~

Rep. Swysgood will carry on the House floor.

REP. JOHN HARP, CHAIRMAN

March 26 19 87

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 40] grants rulemaking authority to the department of justice. The bill gives the department authority to define commercial motor vehicle and to prescribe requirements and procedures for the licensing of commercial motor vehicles and commercial vehicle operators.

It is the legislature's intent that the department adopt rules for commercial motor vehicles and operators in order to bring the state into compliance with federal regulations established by Title XII, Commercial Motor Vehicle Safety Act of 1986, effective July 1, 1987.

REP. JOHN HARP Chairman.

STATE PUB. CO.
Helena, Mont.

STATEMENT OF INTENT

SENATE BILL 212

Senate Highways & Transportation Committee

A statement of intent is required for this bill because [section 40] grants rulemaking authority to the department of justice. The bill gives the department authority to define commercial motor vehicle and to prescribe requirements and procedures for the licensing of commercial motor vehicles and commercial vehicle operators.

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REFERENCE BILL
SB 212

SENATE BILL NO. 212

INTRODUCED BY FARRELL, CAMPBELL, SWYSGOOD, O'CONNELL, HALLIGAN, FRITZ, GILBERT, GRADY, THOMAS, GLASER, HARP, TVEIT, GAGE, WEEDING, B. WILLIAMS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A CLASSIFIED COMMERCIAL VEHICLE OPERATOR'S LICENSING PROGRAM; REVISING THE MOTOR VEHICLE LAWS TO REMOVE REFERENCES TO CHAUFFEURS; AMENDING SECTIONS 20-10-103, 61-5-102, 61-5-104 THROUGH 61-5-108, 61-5-110 THROUGH 61-5-116, 61-5-121, 61-5-201, 61-5-203 THROUGH 61-5-212, 61-5-301, 61-5-302, 61-5-305, 61-5-306, 61-7-105, 61-7-107, 61-11-101, AND 72-17-204, MCA; REPEALING SECTION 61-1-312, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Commercial motor vehicle defined -- exceptions. (1) "Commercial motor vehicle" means a motor vehicle used to transport passengers or property if the vehicle:

(a) has a gross vehicle weight of 26,001 pounds or more;

(b) is designed to transport more than 15 passengers, including the driver; or

(c) is used to transport hazardous material.

(2) Vehicles operated within the state of Montana which are registered as paying the 16% gross weight fee are not commercial motor vehicles under this act.

NEW SECTION. Section 2. Commercial vehicle operator's endorsement. "Commercial vehicle operator's endorsement" means an endorsement to a Montana driver's license that authorizes the licensee to operate a class of commercial motor vehicle. HOWEVER, IF THE APPLICANT'S VEHICLE DOES NOT OTHERWISE REQUIRE A COMMERCIAL VEHICLE OPERATOR'S ENDORSEMENT, A HAZARDOUS MATERIAL ENDORSEMENT MAY BE SUBSTITUTED FOR THE COMMERCIAL VEHICLE OPERATOR'S ENDORSEMENT.

NEW SECTION. Section 3. Driver's license. "Driver's license" means any license or permit to operate a motor vehicle issued under, or granted by, the laws of this state including:

(1) any temporary license or instruction permit;

(2) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license;

(3) any nonresident's driving privilege;

(4) a motorcycle endorsement; and

(5) a commercial vehicle operator's endorsement.

NEW SECTION. Section 4. Hazardous material. "Hazardous material" means a substance or material, DEFINED OR LISTED AS A HAZARDOUS MATERIAL IN TITLE 49, CODE OF

FEDERAL REGULATIONS, in a quantity and form that may pose an unreasonable risk to health and safety or property when transported.

Section 5. Section 61-5-102, MCA, is amended to read:

"61-5-102. ~~Operators--and--chauffeurs~~ Drivers to be licensed. (1) No person, except those ~~hereinafter~~ expressly exempted under 61-5-104, shall drive any motor vehicle upon a highway in this state unless such person has a valid Montana driver's license ~~as-an-operator-or--chauffeur--under the--provisions--of-this-chapter~~. No person shall receive ~~an operator's-or-chauffeur's~~ a Montana driver's license unless and until he surrenders to the department all valid ~~operators'--and--chauffeurs'~~ driver's licenses in his possession issued to him by any other jurisdiction. All surrendered licenses shall be returned by the department to the issuing department together with information that the licensee is now licensed in this state. No person shall be permitted to have more than one valid ~~operator's--or chauffeur's~~ driver's license at any time.

~~(2)--No--person--shall--drive--a--motor--vehicle--as--a chauffeur--unless--he--holds-a-valid-chauffeur's-license.--No person-shall-receive-a-chauffeur's-license-unless-and--until he--surrenders--to--the--department--any--operator's-license issued-to-him-or-an-affidavit-that-he-does--not--possess--an operator's--license.--Any-person-holding-a-valid-chauffeur's license-hereunder-need-not-procure-an-operator's-license.~~

~~(3)~~(2) Whenever a city or town requires ~~an-operator-or chauffeur~~ a licensed driver to obtain a local driving license or permit, such a license or permit shall not be issued unless the applicant ~~therefor~~ presents a state driver's license valid under the provisions of this chapter.

~~(4)~~(3) A person operating a bicycle defined in 61-1-123(2) shall have in his possession at all times when operating the bicycle a valid Montana driver's license."

Section 6. Section 61-5-104, MCA, is amended to read:

"61-5-104. Exemptions. (1) The following persons are exempt from license hereunder:

(a) any person who is a member of the armed forces of the United States while operating a motor vehicle owned by or leased to the United States government and being operated on official business;

(b) any person who is a member of the armed forces of the United States on active duty in Montana who holds a valid license issued by another state and the spouse of such a person who holds a valid license issued by another state and who is not employed in Montana except as a member of the armed forces; if a spouse of a member of the armed forces becomes gainfully employed in Montana, such spouse must be licensed as required by 61-5-102 within 90 days of becoming so employed;

(c) any person on active duty in the armed forces of the United States who has in his immediate possession a valid license issued in a foreign country by the armed forces of the United States, for a period of 45 days from the date of his return to the United States;

(d) any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway.

(2) A nonresident who is at least 15 years of age and who has in his immediate possession a valid operator's license issued to him in his home state or country may operate a motor vehicle in this state only as an operator.

(3) A nonresident who is at least 18 years of age and who has in his immediate possession a valid ~~chauffeur's~~ commercial operator's license issued to him in his home state or country may operate a motor vehicle or commercial motor vehicle in this state ~~either--as--an--operator--or chauffeur~~ subject to the age limits applicable to ~~chauffeurs~~ commercial vehicle operators in this state.

(4) Any nonresident who is at least 18 years of age, whose home state or country does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than 90 days in any calendar year, if the motor vehicle so operated is duly registered in the home state or country of such nonresident.

(5) A driver's license issued hereunder to any person who enters the United States armed forces, if valid and in force and effect at the time such person enters the service, shall continue in full force and effect so long as such service shall continue unless such license is sooner suspended, revoked, or canceled for a cause as provided by law, and for not to exceed 30 days following the date on which holder of such driver's license is honorably separated from such service. During said 30-day period, such license shall be valid only when in the immediate possession of the licensee while driving and the licensee has his discharge, separation, leave, or furlough papers in his immediate possession."

Section 7. Section 61-5-105, MCA, is amended to read:

"61-5-105. Who may not be licensed. The department shall not issue any license hereunder to any person:

(1) ~~as--an--operator,~~ who is under the age of 16 years, with these exceptions:

(a) The department may issue ~~an--operator's~~ a driver's license to a person who is 15 years of age if he has passed a driver's education course approved by the department and the superintendent of public instruction.

(b) The department may issue a restricted license ~~as hereinafter-provided~~ to any person who is at least 13 years of age;

~~(2) as a chauffeur, employed by another for the principal purpose of driving a motor vehicle when in use exclusively for the transportation of property for compensation, who is under the age of 18 years, or to any person, as a chauffeur, who is employed by another for the principal purpose of driving a motor vehicle transporting passengers for hire or transporting school children, who is under the age of 18 years;~~

~~(3)~~(2) as an operator or chauffeur, whose license has been suspended during the suspension, or to any person whose license has been revoked, except as provided in 61-5-208;

~~(4)~~(3) as an operator or chauffeur, who is an habitual drunkard, or is addicted to the use of narcotic drugs;

~~(5)~~(4) as an operator or chauffeur, who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

~~(6)~~(5) as an operator or chauffeur, who is required by this chapter to take an examination, unless the person shall have successfully passed such examination;

~~(7)~~(6) who is required under the provisions of the motor vehicle financial responsibility laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

~~(8)~~(7) as an operator or chauffeur, who is suffering from any form of epileptic type seizures or similar disorders characterized by lapse of consciousness or control, either temporary or prolonged, which is or may become chronic; provided that the department may in its discretion issue a license to a person suffering from epileptic type seizures or similar disorder characterized by lapse of consciousness or control, if otherwise qualified to be licensed to drive a motor vehicle, when the afflicted person can show through a written report from his attending physician that he has not experienced an epileptic type seizure or similar disorder characterized by lapse of consciousness or control for a sufficient period and that the condition is stabilized as attested to by said physician."

Section 8. Section 61-5-106, MCA, is amended to read:

"61-5-106. Instruction and traffic education permits and temporary licenses. (1) Any person satisfying the age requirements specified in 61-5-105(1) may apply to the department for an instruction permit. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the

public highways for a period of 6 months when accompanied by a licensed ~~operator-or-chauffeur~~ driver who is occupying a seat beside the driver. In addition, the department may issue such an instruction permit to any person who is at least 14 1/2 years of age and who has successfully completed or is successfully participating in a traffic education course approved by the department and the superintendent of public instruction. Any instruction permit so issued shall be restricted to the operation of a motor vehicle only when accompanied by an approved instructor or licensed parent or guardian and may be further restricted to specific times and/or areas.

(2) The department upon receiving proper application may in its discretion issue a traffic education permit effective for a school year or more restricted period to an applicant who is enrolled in a traffic education program approved by the department even though the applicant has not reached the legal age to be eligible for ~~an-operator's~~ a driver's license. Such permit shall entitle the permittee when he has such a permit in his immediate possession to operate only on a designated highway or within a designated area a motor vehicle only when an approved instructor is occupying a seat beside the permittee or a motorcycle or quadricycle only when under the immediate and proximate supervision of an approved instructor.

(3) The department may in its discretion issue a temporary driver's permit to an applicant for ~~an-operator's~~ a driver's license permitting him to operate a motor vehicle while the department is completing its investigation and determination of all facts relative to such applicant's right to receive ~~an--operator's~~ a driver's license. Such permit must be in his immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

(4) The department may in its discretion issue a temporary commercial vehicle operator's endorsement to an applicant for such an endorsement permitting him to operate a commercial motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a commercial vehicle operator's endorsement. Such endorsement must be in his immediate possession while operating a commercial motor vehicle and is invalid when the applicant's endorsement has been issued or for good cause has been refused."

Section 9. Section 61-5-107, MCA, is amended to read:

"61-5-107. Application for license, instruction permit, commercial vehicle operator's endorsement, or motorcycle endorsement. (1) Every application for an instruction permit, ~~operator's--or--chauffeur's~~ driver's license, commercial vehicle operator's endorsement, or

motorcycle endorsement shall be made upon a form furnished by the department. A motorcycle endorsement is required for the operation of a quadricycle. Every application shall be accompanied by the proper fee, and payment of such fee shall entitle the applicant to not more than three attempts to pass the examination within a period of 6 months from the date of application.

(2) Every such application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has ~~theretofore~~ previously been licensed as ~~an operator--or--chauffeur,~~ a driver or commercial vehicle operator, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal.

(3) Whenever application is received from an applicant previously licensed by any other jurisdiction, the department shall request a copy of such applicant's driving record from such previous licensing jurisdiction. When received, such driving records shall become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance."

Section 10. Section 61-5-108, MCA, is amended to read:

"61-5-108. Application of minors. (1) The application of any person under the age of 18 years for an instruction permit or ~~operator's~~ driver's license shall be signed and verified before a person authorized to administer oaths by both the father and mother of the applicant, if both are living and have custody of him, or by the surviving parent, or in the event neither parent is living or has custody, then by the person or guardian having such custody or by an employer of such minor, or in the event there is no guardian or employer then by some other responsible person who is willing to assume the obligation imposed under this chapter upon a person signing the application of a minor.

(2) Any negligence or willful misconduct of a minor under the age of 18 years when driving a motor vehicle upon a highway shall be imputed to a person who has signed the application of such minor for a permit or license, which person shall be jointly and severally liable with such minor for any damages caused by such negligence or willful misconduct, except as otherwise provided in subsection (3) of this section.

(3) In the event a minor deposits or there is deposited upon his behalf proof of financial responsibility in respect to the operation of a motor vehicle owned by him, or if not the owner of a motor vehicle, then with respect to

the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, then the department may accept the application of such minor when signed by one parent or the guardian of such minor, and while such proof is maintained such parent or guardian shall not be subject to the liability imposed under subsection (2) of this section."

Section 11. Section 61-5-110, MCA, is amended to read:

"61-5-110. Examination of applicants. (1) The department shall examine every applicant for ~~an--operator's or---chauffeur's~~ a driver's license, commercial vehicle operator's endorsement, or motorcycle endorsement, except as otherwise provided in this section. Such examination shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, his knowledge of the traffic laws of this state, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle, quadricycle, or motorcycle. ~~The department--shall--make--provision-for-giving-an-examination either-in-the-county-where-the-applicant--resides--or--at--a place---adjacent---thereto---reasonably--convenient--to--the applicant-within-not-more-than-30-days--from--the--date--the application--is-received.~~ The examination for the commercial vehicle operator's endorsement may include additional items.

(2) WITHIN 90 DAYS OF RECEIPT OF AN APPLICATION FOR A COMMERCIAL VEHICLE OPERATOR'S ENDORSEMENT, THE DEPARTMENT SHALL GIVE AN EXAMINATION FOR ENDORSEMENT TO THE APPLICANT IN THE COUNTY WHERE THE APPLICANT RESIDES."

Section 12. Section 61-5-111, MCA, is amended to read:

"61-5-111. ~~licenses-issued-to-operators-and-chauffeurs ----renewals--and-expiration----fees.~~ Renewals, expirations, and fees for licenses, permits, and endorsements. (1) The department shall have authority to appoint county treasurers and other qualified officers to act as its agents for the sale of driver's licenses receipts and shall make necessary rules governing such sales. In those areas where the department provides driver licensing services 3 days or more a week the department is responsible for sale of receipts and may not appoint an agent. The department, upon receipt of payment of the fees specified in this section, shall issue to every applicant qualifying therefor ~~an-operator's or-chauffeur's~~ a driver's license as applied for. ~~Such licenses~~ The license shall contain a full-face photograph of the licensee in the size and form as prescribed by the department, except as provided in subsection (4); a distinguishing number issued to the licensee; the full name, date of birth, residence address, and a brief description of the licensee; and either a facsimile of the signature of the licensee or a space upon which he shall write his signature

in pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

(2) The department shall, when any person applies for renewal of ~~an operator's or chauffeur's~~ a driver's license, test the applicant's eyesight and may also in the department's discretion have the applicant demonstrate his physical ability to operate and to exercise ordinary and reasonable care in the operation of a motor vehicle. A person shall be considered to have applied for renewal of a Montana ~~operator's or chauffeur's~~ driver's license if the application is made within 3 months of the expiration of his license.

(3) Licenses shall expire on the anniversary of the date of birth of the licensee 4 years or less after the date of issue.

(4) A license issued to a person under the age of 19 years must contain a photograph of the licensee's profile.

(5) Whenever the department issues an original license to a person under the age of 18 years, the license shall be designated and clearly marked as a "provisional license". Any license so designated and marked may be suspended by the department for a period of not more than 12 months, when its records disclose that the licensee, subsequent to the issuance of such license, has been guilty of careless or

negligent driving. Upon renewal ~~as applicable to operator's licenses~~, the department may, for any reasonable cause as shown by its records, designate the renewal of the license as provisional; otherwise, a license in usual form shall be issued subject to other provisions of the laws of Montana.

(6) It shall be unlawful for any person to have in his possession or under his control more than one Montana ~~operator's or chauffeur's~~ driver's license at any one time. A license is not valid for the operation of a motorcycle or quadricycle until the holder thereof has completed the requirements of 61-5-110 and the license has been clearly marked with the words "motorcycle endorsement". A license is not valid for the operation of a commercial vehicle until the holder thereof has completed the requirements of 61-5-110 and the license has been clearly marked with the words "commercial vehicle operator's endorsement".

(7) Fees for driver's licenses shall be as follows:

(a) driver's license -- $3 per year or fraction thereof;

(b) motorcycle endorsement -- 50 cents per year or fraction thereof~~.~~;

(c) commercial vehicle operator's endorsement:

(i) ~~class I~~ A INTERSTATE -- $3 per year or fraction thereof;

(ii) ~~class II~~ B INTRASTATE -- $1.50 per year or

SENATE BILL NO. 212

INTRODUCED BY FARRELL, CAMPBELL, SWYSGOOD, O'CONNELL, HALLIGAN, FRITZ, GILBERT, GRADY, THOMAS, GLASER, HARP, TVEIT, GAGE, WEEDING, B. WILLIAMS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A CLASSIFIED COMMERCIAL VEHICLE OPERATOR'S LICENSING PROGRAM; REVISING THE MOTOR VEHICLE LAWS TO REMOVE REFERENCES TO CHAUFFEURS; AMENDING SECTIONS 20-10-103, 61-5-102, 61-5-104 THROUGH 61-5-108, 61-5-110 THROUGH 61-5-116, 61-5-121, 61-5-201, 61-5-203 THROUGH 61-5-212, 61-5-301, 61-5-302, 61-5-305, 61-5-306, 61-7-105, 61-7-107, 61-11-101, AND 72-17-204, MCA; REPEALING SECTION 61-1-312, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Commercial motor vehicle defined -- exceptions. (1) "Commercial motor vehicle" means a motor vehicle used to transport passengers or property if the vehicle:

(a) has a gross vehicle weight of 26,001 pounds or more;

(b) is designed to transport more than 15 passengers, including the driver; or

(c) is used to transport hazardous material.

THERE IS A CLERICAL CORRECTION ON PAGE 17, LINE 3.
DUE TO LENGTH SB 212 WILL NOT BE RE-PRINTED.

fraction thereof.

(8) A license designated as chauffeur as of January 1, 1988, is valid as a commercial vehicle operator's endorsements ENDORSEMENT until the expiration of the license.

(9) On or after January 1, 1988, if the holder of a chauffeur's license wishes to convert his chauffeur's license to a commercial vehicle operator's endorsement, he may do so by paying the appropriate fee covering the remainder of the life of his license and complying with the requirements established by the department.

(10) After January 1, 1988, the holder of a valid chauffeur's license who is renewing and wishes to obtain a commercial vehicle operator's endorsement may do so upon paying the appropriate fees and complying with the requirements established by the department.

(11) AFTER JANUARY 1, 1988, THE HOLDER OF A VALID OPERATOR'S, CHAUFFEUR'S, OR DRIVER'S LICENSE MAY OBTAIN A HAZARDOUS MATERIAL ENDORSEMENT BY SUCCESSFULLY COMPLETING A WRITTEN EXAMINATION."

Section 13. Section 61-5-112, MCA, is amended to read:

"61-5-112. Classification of ~~chauffeurs~~ commercial vehicle operator's endorsements -- special restrictions. ~~(1)~~ The department upon issuing a ~~chauffeur's~~ license with a commercial vehicle operator's endorsement shall indicate

thereon the class of license so issued and shall appropriately examine each applicant according to the class of ~~license~~ endorsement applied for and may impose such rules for the ~~exercise~~ classification, examination, and use thereof as it considers necessary for the safety and welfare of the traveling public.

~~(2)--No-person-may-drive-any--school--bus--transporting school--children--or--any--motor-vehicle-when-in-use-for-the transportation-of-persons-for-compensation-until-he-has-been licensed-as-a-chauffeur-for--either--such--purpose--and--the license--so--indicates.--The--department--may--not--issue--a chauffeur's-license-for-either-purpose-unless-the--applicant has--had-at-least-1-year-of-driving-experience-prior-thereto and-the-department-is-fully-satisfied-as-to-the--applicant's competency-and-fitness-to-be-employed.~~"

Section 14. Section 61-5-113, MCA, is amended to read:

"61-5-113. Restricted licenses. (1) The department upon issuing ~~an-operator's-or-chauffeur's~~ a driver's license shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

fraction thereof.

(8) A license designated as chauffeur as of January 1, 1988, is valid as commercial vehicle operator's endorsements until the expiration of the license.

(9) On or after January 1, 1988, if the holder of a chauffeur's license wishes to convert his chauffeur's license to a commercial vehicle operator's endorsement, he may do so by paying the appropriate fee covering the remainder of the life of his license and complying with the requirements established by the department.

(10) After January 1, 1988, the holder of a valid chauffeur's license who is renewing and wishes to obtain a commercial vehicle operator's endorsement may do so upon paying the appropriate fees and complying with the requirements established by the department.

(11) AFTER JANUARY 1, 1988, THE HOLDER OF A VALID OPERATOR'S, CHAUFFEUR'S, OR DRIVER'S LICENSE MAY OBTAIN A HAZARDOUS MATERIAL ENDORSEMENT BY SUCCESSFULLY COMPLETING A WRITTEN EXAMINATION."

Section 13. Section 61-5-112, MCA, is amended to read:

"61-5-112. Classification of **chauffeurs** commercial vehicle operator's endorsements -- special restrictions. ~~(1)~~ The department upon issuing a **chauffeur's** license with a commercial vehicle operator's endorsement shall indicate thereon the class of license so issued and shall

appropriately examine each applicant according to the class of ~~license~~ endorsement applied for and may impose such rules for the ~~exercise~~ classification, examination, and use thereof as it considers necessary for the safety and welfare of the traveling public.

~~(2)--No-person-may-drive-any--school--bus--transporting school--children--or--any--motor-vehicle-when-in-use-for-the transportation-of-persons-for-compensation-until-he-has-been licensed-as-a-chauffeur-for--either--such--purpose--and--the license--so--indicates.--The--department--may--not--issue--a chauffeur's-license-for-either-purpose-unless-the--applicant has--had-at-least-1-year-of-driving-experience-prior-thereto and-the-department-is-fully-satisfied-as-to-the--applicant's competency-and-fitness-to-be-employed.~~"

Section 14. Section 61-5-113, MCA, is amended to read:

"61-5-113. Restricted licenses. (1) The department upon issuing ~~an-operator's-or-chauffeur's~~ a driver's license shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(2) The department may either issue a special

restricted license or may set forth such restrictions upon the usual license form.

(3) The department may upon receiving satisfactory evidence of any violation of the restrictions of such license or endorsement suspend or revoke the same but the licensee shall be entitled to a hearing as upon suspension or revocation under this chapter.

(4) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him."

Section 15. Section 61-5-114, MCA, is amended to read:

"61-5-114. Duplicate licenses. In the event that an instruction permit or ~~operator's or chauffeur's~~ driver's license issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may upon the payment of a fee of $5 obtain a duplicate or substitute thereof, upon furnishing proof satisfactory to the department that such permit or license has been lost or destroyed."

Section 16. Section 61-5-115, MCA, is amended to read:

"61-5-115. Notice of change of address or name. Whenever any person after applying for or receiving ~~an operator's or chauffeur's~~ a driver's license shall move from the address named in such application or in the license issued to him or when the name of a licensee is changed by

marriage or otherwise such person shall within 10 days thereafter notify the department in writing of his old and new addresses or of such former and new names and of the number of any license then held by him."

Section 17. Section 61-5-116, MCA, is amended to read:

"61-5-116. License to be carried and exhibited on demand. Every licensee shall have his ~~operator's or chauffeur's~~ driver's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand of a justice of the peace, a city or municipal judge, a peace officer, a highway patrolman, or a field deputy or inspector of the department. However, no person charged with violating this section shall be convicted if he produces in court or the office of the arresting officer ~~an operator's or chauffeur's~~ a driver's license theretofore issued to him and valid at the time of his arrest."

Section 18. Section 61-5-121, MCA, is amended to read:

"61-5-121. Disposition of fees. (1) The disposition of the fees from driver's licenses provided for in ~~61-5-111(6)(a)~~ 61-5-111(7)(a), motorcycle endorsements provided for in ~~61-5-111(6)(b)~~ 61-5-111(7)(b), commercial vehicle operator's endorsements provided for in 61-5-111(7)(c), and duplicate driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of 33 1/3% of each driver's license fee and of each duplicate driver's license fee must be deposited into the Montana highway patrolmen's retirement pension trust fund.

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 3 1/3% of each driver's license fee and of each duplicate driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited into the state special revenue fund for use by the department to defray the costs of issuing licenses or duplicate licenses.

(c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 5% of each motorcycle endorsement must be deposited into the county general fund.

(ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must be deposited into the state special revenue fund for use by the department to defray the costs of issuing motorcycle endorsements.

(d) The amount of 23 1/3% of each driver's license fee and of each duplicate driver's license fee and the amount of

35% of each motorcycle endorsement fee must be deposited into the state traffic education account.

(e) The amount of 40% of each driver's license fee and of each duplicate driver's license fee and the amount of 60% of each motorcycle endorsement fee must be deposited into the state general fund.

(f) The entire amount of each commercial vehicle operator's endorsement fee must be deposited into the motor vehicle recording account established in 61-3-108.

(2) (a) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, he shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county general fund. He shall then remit to the state treasurer all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the Montana highway patrolmen's retirement pension trust fund, the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(d), and (1)(e), and (1)(f).

(b) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by the department,

it shall remit all fees to the state treasurer, together with a statement indicating what portion of each fee is to be deposited into the Montana highway patrolmen's retirement pension trust fund, the state special revenue fund, the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), (1)(d), and (1)(e), and (1)(f)."

Section 19. Section 61-5-201, MCA, is amended to read:

"61-5-201. Authority of department to cancel licenses license and endorsement. (1) The department is hereby authorized to cancel any--operator's--or--chauffeur's a driver's license and commercial vehicle operator's endorsement, or just the commercial vehicle operator's endorsement, upon determining that the licensee was not entitled to the issuance thereof hereunder or that since the issuance thereof said licensee has become ineligible (such ineligibility shall be determined pursuant to the provisions of 61-5-105) or that said licensee failed to give the required or correct information in his application or committed any fraud in making such application.

(2) Upon such cancellation, the licensee must surrender the license so canceled to the department."

Section 20. Section 61-5-203, MCA, is amended to read:

"61-5-203. Suspending privileges of nonresidents. The

privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension or revocation by the department in like manner and for like causes as an--operator's--or--chauffeur's a driver's license and commercial vehicle operator's endorsement, or just an endorsement issued hereunder may be suspended or revoked."

Section 21. Section 61-5-204, MCA, is amended to read:

"61-5-204. Suspending resident's license upon conviction in another state. The department is authorized to suspend or revoke the driver's license and commercial vehicle operator's endorsement, or just the commercial vehicle operator's endorsement of any resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be grounds for the suspension or revocation of the driver's license of--an--operator--or chauffeur or commercial vehicle operator's endorsement."

Section 22. Section 61-5-205, MCA, is amended to read:

"61-5-205. Mandatory revocation of license upon proper authority. The department upon proper authority shall revoke the driver's license, including the commercial vehicle operator's endorsement, or the operating privilege of any operator-or-chauffeur driver upon receiving a record of such

~~operator's---or---chauffeur's~~ the driver's conviction or forfeiture of bail not vacated of any of the following offenses, when such conviction or forfeiture has become final:

(1) negligent homicide resulting from the operation of a motor vehicle;

(2) driving a motor vehicle while under the influence of alcohol or narcotic drug, or willfully or knowingly under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, or a combination thereof except as provided in 61-5-208, or operation of a motor vehicle by a person with a blood alcohol concentration of 0.10 or more;

(3) any felony in the commission of which a motor vehicle is used;

(4) failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

(5) perjury or the making of a false affidavit or statement under oath to the department under this chapter or under any other law relating to the ownership or operation of motor vehicles;

(6) conviction or forfeiture of bail not vacated upon three charges of reckless driving committed within a period

of 12 months."

Section 23. Section 61-5-206, MCA, is amended to read:

"61-5-206. Authority of department to suspend license or driving privilege or issue probationary license. (1) The department is hereby authorized to suspend the driver's license, including the commercial vehicle operator's endorsement, or driving privilege of ~~an--operator--or chauffeur~~ a driver without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

(a) has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage;

(b) has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(c) is an habitually reckless or negligent driver of a motor vehicle;

(d) is incompetent to drive a motor vehicle;

(e) has permitted an unlawful or fraudulent use of such license as specified in 61-5-302;

(f) has committed an offense in another state which if committed in this state would be grounds for suspension or revocation; or

(g) has falsified his date of birth on his application for a driver's license.

(2) However, the department may, in its discretion and in lieu of such suspension of license or driving privilege, issue a probationary license to ~~an operator or chauffeur~~ a driver, without preliminary hearing, upon a showing by its records or other sufficient evidence that the licensee's driving record is such as would authorize suspension as provided in subsection (1) hereof. Upon issuance of a probationary license the licensee shall be subject to the restrictions set forth thereon. The licensee's driving privilege may be suspended upon conviction or forfeiture of bail not vacated of any traffic violation during the period of such probation. The licensee shall surrender to the department all driver licenses theretofore issued to him before such probationary license shall be issued. His refusal or neglect to surrender such licenses upon demand shall be ground for suspending all such licenses. Probationary licenses may be issued for a period not to exceed 12 months.

(3) Upon suspending the license of any person or upon placing such person on probation, as hereinbefore in this section authorized, the department shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practical

within not to exceed 20 days after receipt of such request in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the department through its duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the department shall either rescind its order of suspension or probation, or, good cause appearing therefor, may affirm, reduce, or extend the period of probation or suspension of such license."

Section 24. Section 61-5-207, MCA, is amended to read:

"61-5-207. Reexamination -- when required. The department having good cause to believe that a licensed ~~operator or chauffeur~~ driver is incompetent or otherwise not qualified to be licensed or to have a commercial vehicle operator's endorsement, may upon written notice of at least 5 days to the licensee require him to submit to an examination. Upon the conclusion of such examination the department shall take action as may be appropriate and may suspend or revoke the license and commercial vehicle operator's endorsement, or just the commercial vehicle operator's endorsement of such person or permit him to retain such license, or may issue a license subject to

restrictions as permitted under 61-5-113. Refusal or neglect of the licensee to submit to such examination shall be ground for suspension or revocation of his license."

Section 25. Section 61-5-208, MCA, is amended to read:

"61-5-208. Period of suspension or revocation. (1) The department may not suspend or revoke a driver's license, commercial vehicle operator's endorsement, or privilege to drive a motor vehicle on the public highways for a period of more than 1 year, except as permitted under 61-5-207, 61-5-212, 61-6-123, and 61-11-211.

(2) Any person whose license, commercial vehicle operator's endorsement, or privilege to drive a motor vehicle on the public highways has been suspended or revoked is not entitled to have such license, endorsement, or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of the period of such revocation or suspension, the person may make application for a new license or endorsement as provided by law but the department may not then issue a new license or endorsement unless and until it is satisfied, after investigation of the driving ability of the person and upon a showing by its records or other sufficient evidence, that the person is eligible to be licensed to drive in this state. When any person is convicted or forfeits bail or collateral not vacated for the

offense of operating or being in actual physical control of a motor vehicle while under the influence of alcohol or a narcotic drug or knowingly or willingly under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, or a combination thereof, or for the offense of operation of a motor vehicle by a person with alcohol concentration of 0.10 or more, the department shall, upon receiving a report of such conviction or forfeiture of bail or collateral not vacated, suspend the license, including any commercial vehicle operator's endorsement, or driving privilege of the person for a period of 6 months. Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the department shall revoke the license, including any commercial vehicle operator's endorsement, or driving privilege of the person for a period of 1 year.

(3) The period for all revocations made mandatory by 61-5-205 shall be 1 year except as provided in subsection (2) of this section.

(4) The period of revocation for any person convicted of any offense which makes mandatory the revocation of the ~~operator's or chauffeur's~~ driver's license commences from date of conviction or forfeiture of bail."

Section 26. Section 61-5-209, MCA, is amended to read:

"61-5-209. Surrender and return of license or endorsement. The department upon suspending or revoking a license or commercial vehicle operator's endorsement shall require that such license shall be surrendered to and be retained by the department except that at the end of the period of suspension such license so surrendered shall be returned to the licensee."

Section 27. Section 61-5-210, MCA, is amended to read:

"61-5-210. No operation under foreign license during suspension or revocation in this state. Any resident or nonresident whose ~~operator's or chauffeur's~~ license or right or privilege to operate a motor vehicle or commercial motor vehicle in this state has been suspended or revoked as provided in this chapter shall not operate a motor vehicle or commercial motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license or commercial vehicle operator's endorsement is obtained when and as permitted under this chapter."

Section 28. Section 61-5-211, MCA, is amended to read:

"61-5-211. Right of appeal to court. Any person denied a driver's license, commercial motor vehicle operator's endorsement, or whose license ~~had~~ or endorsement has been canceled, suspended, or revoked by the department except

where such cancellation or revocation is mandatory under the provisions of this chapter shall have the right to file a petition within 30 days thereafter for a hearing in the matter in the district court in the county wherein such person shall reside. Such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon 30 days' written notice to the department, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license or commercial vehicle operator's endorsement or is subject to suspension, cancellation, or revocation of the license or endorsement under the provisions of this chapter."

Section 29. Section 61-5-212, MCA, is amended to read:

"61-5-212. Driving while license suspended or revoked -- penalty. (1) Any person who drives a motor vehicle or commercial motor vehicle on any public highway of this state at a time when his privilege so to do is suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than 2 days or more than 6 months and there may be imposed in addition thereto a fine of not more than $500.

(2) The department upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while the license or commercial vehicle

operator's endorsement of such person was suspended or revoked shall extend the period of such suspension or revocation for an additional like period."

Section 30. Section 61-5-301, MCA, is amended to read:

"61-5-301. Indication on driver's license of intent to make anatomical gift. (1) The department of justice shall provide on each ~~operator's or chauffeur's~~ driver's license a space for indicating when the licensee has executed a document under 72-17-204 of intent to make a gift of all or part of his body under the Uniform Anatomical Gift Act.

(2) The department shall provide each applicant, at the time of application, printed information calling the applicant's attention to the provisions of this section, and each applicant must be given an opportunity to indicate in the space provided under subsection (1) his intent to make an anatomical gift.

(3) The department shall issue to every applicant who indicates such an intent a statement which, when signed by the licensee in the manner prescribed in 72-17-204, constitutes a document of anatomical gift. This statement must be printed on a sticker that the donor may attach permanently to the back of his driver's license.

(4) The department shall also furnish the licensee a means of revoking the document of gift upon the license."

Section 31. Section 61-5-302, MCA, is amended to read:

"61-5-302. Unlawful use of license. It is a misdemeanor for any person to:

(1) display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious, or altered ~~operator's or chauffeur's~~ driver's license;

(2) lend his ~~operator's or chauffeur's~~ driver's license to any other person or knowingly permit its use by another;

(3) display or represent as one's own any ~~operator's or chauffeur's~~ driver's license not issued to him;

(4) fail or refuse to surrender to the department upon its lawful demand any ~~operator's or chauffeur's~~ driver's license which has been suspended, revoked, or canceled;

(5) use a false or fictitious name in any application for ~~an operator's or chauffeur's~~ a driver's license or commercial vehicle operator's endorsement or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in any such application; or

(6) permit any unlawful use of ~~an operator's or chauffeur's~~ a driver's license issued to him."

Section 32. Section 61-5-305, MCA, is amended to read:

"61-5-305. Employing ~~unlicensed chauffeur~~ driver without endorsement. No person shall employ as a ~~chauffeur of a motor vehicle~~ commercial vehicle operator any person

not then licensed and endorsed as provided by this chapter."

Section 33. Section 61-5-306, MCA, is amended to read:

"61-5-306. Renting motor vehicle to another. (1) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder or, in the case of a nonresident, then duly licensed under the laws of the state or country of his residence except a nonresident whose home state or country does not require that an operator be licensed.

(2) No person shall rent a motor vehicle to another until he has inspected the ~~operator's or chauffeur's~~ driver's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence.

(3) No person may rent a motor vehicle which is defined as a commercial motor vehicle under this title to another until he has inspected the driver's license of that person and determined that the person has a commercial vehicle operator's endorsement.

~~(3)~~(4) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, and the number and expiration date of the license of said latter person~~, and the date and place when and where said license was issued~~. Such The

record shall be open to inspection by any police officer or officer or employee of the department."

Section 34. Section 61-7-105, MCA, is amended to read:

"61-7-105. Duty to give information and render aid. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving and shall upon request and if available exhibit his ~~operator's or chauffeur's~~ driver's license to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person."

Section 35. Section 61-7-107, MCA, is amended to read:

"61-7-107. Duty upon striking fixtures or other property upon a highway. The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and

address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his ~~operator's or chauffeur's~~ driver's license and shall make report of such accident when and as required in 61-7-109."

Section 36. Section 61-11-101, MCA, is amended to read:

"61-11-101. Report of convictions and suspension or revocation of driver's licenses -- surrender of licenses. (1) Whenever any person is convicted of any offense for which chapter 5 makes mandatory the suspension or revocation of the ~~operator's or chauffeur's~~ driver's license of ~~such~~ the person by the department, the court in which such conviction is had shall require the surrender to it of all ~~operator's and chauffeur's~~ driver's licenses then held by the person so convicted. The court shall thereupon, within 5 days, forward the license to the department and at the same time forward a record of such conviction to the department, providing that if such person does not possess a driver's license the court shall so indicate in its report to the department.

(2) Every court having jurisdiction over offenses committed under any act of this state or municipal ordinance regulating the operation of motor vehicles on highways shall forward, within 5 days, to the department a record of the conviction or forfeiture of bail, not vacated, of any person

in the court for a violation of any such laws, other than regulations governing standing or parking, and may recommend the suspension of the ~~operator's or chauffeur's~~ driver's license of the person so convicted. The court may also recommend that the department issue a restricted probationary license in lieu of the suspension required in 61-5-208(2) on the condition that the individual attend a driver improvement school or an alcohol treatment program if one is available. The department shall issue a restricted probationary license unless the person otherwise is not entitled to a Montana ~~operator's or chauffeur's~~ driver's license. Upon issuance of a probationary license, the licensee is subject to the restrictions set forth thereon and may not operate a vehicle in violation of those restrictions.

(3) Any court or other agency of this state, or a subdivision thereof, which has jurisdiction to take any action suspending, revoking, or otherwise limiting a license to drive shall report any such action and the adjudication upon which it is based to the department within 5 days on forms furnished by the department."

Section 37. Section 20-10-103, MCA, is amended to read:

"20-10-103. School bus driver qualifications. Any driver of a school bus shall be qualified to drive such

school bus by compliance with the following requirements:

(1) he is not less than 18 years of age;

(2) he is of good moral character;

(3) he is the holder of a ~~chauffeur's~~ driver's license with a commercial vehicle operator's endorsement;

(4) he has filed with the district a satisfactory medical examination report, on a blank provided by the superintendent of public instruction, signed by any physician licensed in the United States or, if acceptable to an insurance carrier, any licensed physician;

(5) he has completed a standard first aid course and holds a valid standard first aid certificate from an authorized instructor. The issuance of such certificate shall be governed by rules established by the superintendent of public instruction, provided that such rules may suspend this requirement for a reasonable period of time where there has been an inadequate opportunity for securing the first aid course and certificate.

(6) he has complied with any other qualifications established by the board of public education; and

(7) he has filed with the county superintendent a certificate from the trustees of the district for which the school bus is to be driven certifying compliance with the several driver qualifications enumerated in this section."

Section 38. Section 72-17-204, MCA, is amended to

read:

"72-17-204. Manner of executing gift -- effectiveness. (1) A gift of all or part of the body under 72-17-201(1) may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(2) (a) A gift of all or part of the body under 72-17-201(1) may also be made by document other than a will. The gift becomes effective upon the death of the donor.

(b) The document may be a card designed to be carried on the person and must be signed by the donor in the presence of two witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence in the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

(c) The document may be a statement attached to the reverse side of the person's Montana motor vehicle ~~operator's-or-chauffeur's~~ driver's license. The statement must be signed by the owner of the ~~operator's-or-chauffeur's~~ driver's license in the presence of two witnesses who must sign the statement in the presence of the donor.

(3) Any gift by a person designated in 72-17-201(2) shall be made by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message."

NEW SECTION. Section 39. Repealer. Section 61-1-312, MCA, is repealed.

NEW SECTION. Section 40. Rulemaking authority. The department of justice may adopt rules to implement [sections 1 through 38].

NEW SECTION. Section 41. Codification instruction. Sections 1 through 4 are intended to be codified as an integral part of Title 61, chapter 1, part 1, and the provisions of Title 61, chapter 1, part 1, apply to sections 1 through 4.

NEW SECTION. Section 42. Effective date. This act is effective January 1, 1988.

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